

ØREVISED

ITEM NO.96

REGISTRAR COURT. 1 SECTION XVII
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
BEFORE THE REGISTRAR MR. PAWAN DEV KOTWAL

Civil Appeal No(s). 5882/2015

M/S VODAFONE WEST LIMITED THR. ITS AVP,
GAURAV MALHOTRA Appellant(s)

VERSUS

UNION OF INDIA , DEPARTMENT OF TELECOMMUNICATIONS Respondent(s)
(With office report)

WITH

C.A. No. 5911/2015

(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)

C.A. No. 5934/2015

(With appln.(s) for stay and Office Report)

C.A. No. 5931/2015

(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)

C.A. No. 5929/2015

(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)

C.A. No. 5930/2015

(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)

C.A. No. 5832-5852/2015

(Office Report)

C.A. No. 5957/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 5909/2015

(With appln.(s) for ex-parte stay and Office Report)

C.A. No. 6010/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

â | .contd.

Item no. 96 -2-

C.A. No. 6003/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 5997/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 6002/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 5996/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 6011/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 5998/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 6009/2015

(With appln.(s) for stay and Office Report)

C.A. No. 6012/2015

(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)

C.A. No. 6004/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 8493-8495/2015

(With appln.(s) for permission to file additional documents and
appln.(s) for condonation of delay in filing appeal. and Office
Report)

C.A. No. 8496-8505/2015
(With appln.(s) for permission to file additional documents and
appln.(s) for exemption from filing c/c of the impugned judgment
and Office Report)

C.A. No. 6888-6895/2015
(With appln.(s) for c/delay in re-filing appeal and appln.(s) for
exemption from filing c/c of the impugned judgment and appln.(s)
for ad-interim ex-parte stay and appln.(s) for bringing on record
additional documents and Office Report)
â | .contd.

Item no. 96 -3-

C.A. No. 6328-6399/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and appln.(s) for impleadment and appln.(s) for stay and Office
Report)

C.A. No. 6183-6255/2015
(With appln.(s) for early hearing and appln.(s) for permission to
bring additional facts and documents on record and appln.(s) for
intervention and appln.(s) for seeking permission to raise
additional grounds and appln.(s) for stay and Office Report)

C.A. No. 8506-8530/2015
(With appln.(s) for permission to file additional documents and
appln.(s) for stay and Office Report)

C.A. No. 8009-8017/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and appln.(s) for stay and Office Report)

C.A. No. 13698/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 13697/2015
(With appln.(s) for amendment of cause title and appln.(s) for
stay and Office Report)

C.A. No. 13588/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 13587/2015
(With appln.(s) for stay and appln.(s) for amendment of cause title
and Office Report)

C.A. No. 13585/2015
(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)

C.A. No. 13581-13582/2015
(With appln.(s) for stay and Office Report)

C.A. No. 13586/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 13584/2015
(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)
â | .contd.

Item no. 96 -4-

C.A. No. 13595-13596/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 13593/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 13705-13711/2015
(With appln.(s) for amendment of cause title and appln.(s) for
ex-parte stay and Office Report)

C.A. No. 13592/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 13680/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay
and Office Report)

C.A. No. 13591/2015

(With appln.(s) for amendment of cause title and appln.(s) for ex-parte stay and Office Report)

C.A. No. 13590/2015

(With appln.(s) for stay and appln.(s) for amendment of cause title and Office Report)

C.A. No. 13550/2015

(With (With appln.(s) for amendment of cause title and appln.(s) for ex-parte stay and Office Report)

C.A. No. 13699/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)

C.A. No. 13681/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)

C.A. No. 13574/2015

(With appln.(s) for amendment of cause title and appln.(s) for ex-parte stay and Office Report)

C.A. No. 13538/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay and Interim Relief and Office Report)

C.A. No. 14624/2015

(With appln.(s) for stay and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

â | .contd.

Item no. 96 -5-

C.A. No. 344/2016

(With appln.(s) for stay and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

C.A. No. 498/2016

(With appln.(s) for permission to file additional documents and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for stay and Office Report)

C.A. No. 497/2016

(With appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for permission to file additional documents and Office Report)

C.A. No. 493/2016

(With appln.(s) for permission to file additional documents and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for stay and Office Report)

C.A. No. 3099/2016

(With appln.(s) for permission to file additional documents and appln.(s) for directions and appln.(s) for stay and Office Report)

C.A. No. 6022-6044/2016

(With appln.(s) for amendment of cause title and appln.(s) for permission to file lengthy list of dates and appln.(s) for stay and Office Report)

SLP(C) No. 20219/2016

(With appln.(s) for permission to file lengthy list of dates and Interim Relief and Office Report)

Date : 03/10/2016 This appeal was called on for hearing today.

For Appellant(s)

Mr. Anupam Mishra, Adv.

(For Vodafone) Ms. Ishita Farsaiya, Adv.

Kishore Kunal, Adv.

Ms. Manali Singhal, Adv.

(For Reliance) Mr. Santosh Sachin, Adv.

Mr. Abhijat P. Medh, Adv.

Mr. E. C. Agrawala, Adv.

Mr. Raghav Pandey, Adv.

Mr. Rahul Narayan, Adv.

Ms. Shikha, Adv.

Ms. Mohisha Handa, Adv.

Mr. Mohit D. Ram, Adv.

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Item no. 96 -6-

Mr. Gautam Narayan, Adv.

Mrs. Anjani Aiyagari, Adv.

Mr. Abhijat P. Medh, Adv. Mr. D. S. Mahra, Adv.

Mr. Harsh Kaushik, Adv.

For Respondent(s)

Mr. Anupam Mishra, Adv.

(For Vodafone) Ms. Ishita Farsaiya, Adv.

Mr. Kishore Kunal, Adv.

Mr. Mansoor Ali Saket, Adv.

(For Sistema Mr. Pukhrambam Ramesh Kumar, Adv.

Shyam Teleservices Mr. Nitin Kala, Adv.

Ltd.) Ms. Parul Bose, Adv.

Ms. Manali Singhal, Adv.

(For Reliance) Mr. Santosh Sachin, Adv.

Mr. Abhijat P. Medh, Adv.

(For Idea, Mr. Raghav Pandey, Adv.

Reliance Comm.) Mr. E. C. Agrawala, Adv.

Mr. Mohit Paul, Adv.

Mr. Amit Bansal, Adv.

Mr. Kunal Singh, Adv.

Ms. Albia Khan, Adv.

Mr. Rajiv Nanda, Adv.

Mr. D. S. Mahra, Adv.

Ms. Bina Gupta, Adv.

UPON hearing the counsel the Court made the following

O R D E R

As per office report, all the connected appeals have been consolidated in terms of Hon'ble Court's order dated 26.09.2016.

Mr. Rajiv Nanda, learned counsel appearing on behalf of Mr. D.S. Mahra, Advocate-on-record for Union of India submits that he does not wish to file counter affidavit in any of the matters in view of the written submissions and the substantive appeals which have already been filed.

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Item no. 96 -7-

In terms of Hon'ble Court's order dated 26.09.2016, remaining respondents who have not filed counter affidavit so far are granted final opportunity to file counter affidavit within 10 days and rejoinder affidavit be filed within one week thereafter.

C.A.Nos. 6183-6255 of 2015

Sole respondent in C.A. Nos. 6213, 6214, 6195 to 6201, 6236

and 6237, 6212, 6221 to 6235, 6242 to 6253 of 2015 to file counter affidavit in terms of above mentioned order passed by Hon'ble Court.

None appears for sole respondent in C.A.Nos. 6183 to 6194, 6215 and 6216 of 2015 despite due service.

Learned counsel for the appellant to furnish fresh address and also to take fresh steps for effecting service of notice on common sole respondent in C.A. Nos. 6209, 6210 and 6255 of 2015 and sole respondent in C.A.No. 6211 of 2015 within one week and notice thereafter, be issued. Learned counsel to take fresh steps for effecting service of notice on sole respondent in C.A.Nos. 6238 to 6241 of 2015 within one week time and notice thereafter be issued. Dasti in addition, is also allowed. Dasti through counsel of all the unserved respondents is also allowed if the learned counsel is appearing in this court on behalf of some of the parties in cross appeals.

Sole respondent in C.A. Nos. 6202 to 6208 and 6217 to 6220 of

2015 is represented in connected appeal nos. C.A. Nos. 6888-6895 of

2015 and C.A. No. 493 of 2016. As such, service on sole respondent

is also deemed to be complete and if so desired, vakalatnama and counter affidavit may be filed on their behalf within the time granted by the Hon'ble Court.

C.A.Nos. 6328-6399 of 2015

Sole respondent in appeal nos. 6336, 6337, 6351, 6357 to 6367,

6328, 6339, 6440, 6348, 6353, 6329, 6356, 6392 to 6399 of 2015 to file counter affidavit in terms of above mentioned order passed by Hon'ble Court.

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Item no. 96 -8-

None appears for sole respondent in C.A.Nos. 6330 and 6350 of 2015 despite due service.

Learned counsel for the appellant to furnish fresh address of sole respondent in C.A.Nos. 6336, 6352, 6341 to 6343 within one week and notice thereafter be issued.

Learned counsel for the appellant to take fresh steps for effecting service of notice on sole respondent in C.A.Nos. 6342-6346, 6349, 6355, 6368 to 6379 within one week and notice thereafter be issued.

Sole respondent in C.A. Nos. 6331-6335, 6347, 6354, 6380 to 6391 of 2015 is represented in connected appeal nos. 6183-6255 of 2015 and sole respondent in appeal nos. 6344 to 6346 of 2015 are common with the appellant in connected C.A.Nos. 6888-6895 of 2015.

As such, service on sole respondent in these matters is deemed to be complete. Vakalatnama and counter affidavit be filed in terms of Hon'ble Court's order dated 26.09.2016.

Application for impleadment in these matters be processed under rules.

C.A.Nos. 8009-8017 of 2015

Sole respondent in C.A.No. 8010 to 8015 of 2015 to file counter affidavit within the time granted by Hon'ble Court and rejoinder affidavit, if any, be also filed in terms of Hon'ble Court's order.

Sole respondent in C.A. No. 8016 of 2015 has already filed counter affidavit.

Service of notice on sole respondent in C.A. Nos. 8009 and 8017 of 2015 is awaited but as he is appellant in connected C.A. Nos. 8506 to 8530 of 2015 and 6888-6895 of 2015, service is deemed to be complete. Vakalatnama and counter affidavit may be filed, if so advised, in terms of Hon'ble Court's order mentioned above.

Application for amendment of cause title filed in C.A.Nos. 8010, 8011, 8013 to 8015 of 2015 be processed under rules.

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Item no. 96 -9-

C.A.No. 14624 of 2015

Respondent no. 1 to file counter affidavit in terms of Hon'ble Court's order mentioned above.

Respondent nos. 3, 5 and 7 are common with respondent no. 2 in connected C.A. No. 6003 of 2015 and appellant in connected C.A. Nos. 8493-8495 and 8496-8505 of 2016. As such, they are deemed to be served. Vakalatnama and counter affidavit be filed on their behalf in terms of Hon'ble Court's order as mentioned above.

Learned counsel for the appellant to take fresh steps for effecting service of notice on respondent nos. 2, 4 and 6 within a week's time and notice thereafter be issued.

C.A.No. 3099 of 2016

Service of notice on respondent no. 1 is deemed to be complete as he is appellant in C.A.Nos. 6183-6255 of 2015. Vakalatnama and counter affidavit on his behalf be filed in terms of Hon'ble Court's order mentioned above.

Learned counsel for the appellant to take fresh steps for effecting service of notice on respondent nos. 2 and 3 within one week and notice thereafter be issued.

Application for directions and permission to file additional documents be processed under rules.

C.A.Nos. 6022-6044 of 2016

Sole respondent in C.A. Nos. 6022-6042 of 2016 to file counter affidavit in terms of Hon'ble Court's order mentioned above.

None appears for sole respondent in C.A. No. 6044 of 2016 despite due service.

Learned counsel appearing for sole respondent in C.A. No. 6022-6042 of 2015 submits that he has already filed counter

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C.A. No. 6011/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)
C.A. No. 5998/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)
C.A. No. 6009/2015
(With appln.(s) for stay and Office Report)
C.A. No. 6012/2015
(With appln.(s) for amendment of cause title and appln.(s) for ex-parte stay and Office Report)
C.A. No. 6004/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)
C.A. No. 8493-8495/2015
(With appln.(s) for permission to file additional documents and appln.(s) for condonation of delay in filing appeal. and Office Report)
C.A. No. 8496-8505/2015
(With appln.(s) for permission to file additional documents and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)
C.A. No. 6888-6895/2015
(With appln.(s) for c/delay in re-filing appeal and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for ad-interim ex-parte stay and appln.(s) for bringing on record additional documents and Office Report)
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Item no. 96 -3-

C.A. No. 6328-6399/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay and appln.(s) for impleadment and appln.(s) for stay and Office Report)
C.A. No. 6183-6255/2015
(With appln.(s) for early hearing and appln.(s) for permission to bring additional facts and documents on record and appln.(s) for intervention and appln.(s) for seeking permission to raise additional grounds and appln.(s) for stay and Office Report)
C.A. No. 8506-8530/2015
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C.A. No. 13698/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)
C.A. No. 13697/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)
C.A. No. 13588/2015
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C.A. No. 13587/2015
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C.A. No. 13581-13582/2015
(With appln.(s) for stay and Office Report)
C.A. No. 13586/2015
(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)
C.A. No. 13584/2015
(With appln.(s) for amendment of cause title and appln.(s) for ex-parte stay and Office Report)
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Item no. 96 -4-

C.A. No. 13595-13596/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)

C.A. No. 13593/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay and Office Report)

C.A. No. 13705-13711/2015

(With appln.(s) for amendment of cause title and appln.(s) for ex-parte stay and Office Report)

C.A. No. 13592/2015

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C.A. No. 13680/2015

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C.A. No. 13591/2015

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C.A. No. 13590/2015

(With appln.(s) for stay and appln.(s) for amendment of cause title and Office Report)

C.A. No. 13550/2015

(With (With appln.(s) for amendment of cause title and appln.(s) for ex-parte stay and Office Report)

C.A. No. 13699/2015

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C.A. No. 13681/2015

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C.A. No. 13574/2015

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C.A. No. 13538/2015

(With appln.(s) for amendment of cause title and appln.(s) for stay and Interim Relief and Office Report)

C.A. No. 14624/2015

(With appln.(s) for stay and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

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Item no. 96 -5-

C.A. No. 344/2016

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C.A. No. 498/2016

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C.A. No. 497/2016

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C.A. No. 493/2016

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For Appellant(s)

Mr. Anupam Mishra, Adv.
(For Vodafone) Ms. Ishita Farsaiya, Adv.
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(For Reliance) Mr. Santosh Sachin, Adv.
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Mr. Harsh Kaushik, Adv.

For Respondent(s)

Mr. Anupam Mishra, Adv.
(For Vodafone) Ms. Ishita Farsaiya, Adv.
Mr. Kishore Kunal, Adv.
Mr. Mansoor Ali Saket, Adv.
(For Sistema Mr. Pukhrambam Ramesh Kumar, Adv.
Shyam Teleservices Mr. Nitin Kala, Adv.
Ltd.) Ms. Parul Bose, Adv.
Ms. Manali Singhal, Adv.
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Reliance Comm.) Mr. E. C. Agrawala, Adv.
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In terms of Hon'ble Court's order dated 26.09.2016, remaining respondents who have not filed counter affidavit so far are granted final opportunity to file counter affidavit within 10 days and rejoinder affidavit be filed within one week thereafter.

C.A.Nos. 6183-6255 of 2015

Sole respondent in C.A. Nos. 6213, 6214, 6195 to 6201, 6236 and 6237, 6212, 6221 to 6235, 6242 to 6253 of 2015 to file counter affidavit in terms of above mentioned order passed by Hon'ble Court.

None appears for sole respondent in C.A.Nos. 6183 to 6194, 6215 and 6216 of 2015 despite due service.

Learned counsel for the appellant to furnish fresh address and also to take fresh steps for effecting service of notice on common

sole respondent in C.A. Nos. 6209, 6210 and 6255 of 2015 and sole respondent in C.A.No. 6211 of 2015 within one week and notice thereafter, be issued. Learned counsel to take fresh steps for effecting service of notice on sole respondent in C.A.Nos. 6238 to 6241 of 2015 within one week time and notice thereafter be issued. Dasti in addition, is also allowed. Dasti through counsel of all the unserved respondents is also allowed if the learned counsel is appearing in this court on behalf of some of the parties in cross appeals.

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C.A.Nos. 6328-6399 of 2015

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Sole respondent in C.A. Nos. 6331-6335, 6347, 6354, 6380 to 6391 of 2015 is represented in connected appeal nos. 6183-6255 of 2015 and sole respondent in appeal nos. 6344 to 6346 of 2015 are common with the appellant in connected C.A.Nos. 6888-6895 of 2015.

As such, service on sole respondent in these matters is deemed to be complete. Vakalatnama and counter affidavit be filed in terms of Hon'ble Court's order dated 26.09.2016.

Application for impleadment in these matters be processed under rules.

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Sole respondent in C.A.No. 8010 to 8015 of 2015 to file counter affidavit within the time granted by Hon'ble Court and rejoinder affidavit, if any, be also filed in terms of Hon'ble Court's order.

Sole respondent in C.A. No. 8016 of 2015 has already filed counter affidavit.

Service of notice on sole respondent in C.A. Nos. 8009 and 8017 of 2015 is awaited but as he is appellant in connected C.A. Nos. 8506 to 8530 of 2015 and 6888-6895 of 2015, service is deemed to be complete. Vakalatnama and counter affidavit may be filed, if so advised, in terms of Hon'ble Court's order mentioned above.

Application for amendment of cause title filed in C.A.Nos. 8010, 8011, 8013 to 8015 of 2015 be processed under rules.

â- | .contd.

Item no. 96 -9-

C.A.No. 14624 of 2015

Respondent no. 1 to file counter affidavit in terms of Hon'ble Court's order mentioned above.

Respondent nos. 3, 5 and 7 are common with respondent no. 2 in connected C.A. No. 6003 of 2015 and appellant in connected C.A. Nos. 8493-8495 and 8496-8505 of 2016. As such, they are deemed to be served. Vakalatnama and counter affidavit be filed on their behalf in terms of Hon'ble Court's order as mentioned above.

Learned counsel for the appellant to take fresh steps for effecting service of notice on respondent nos. 2, 4 and 6 within a weeks' time and notice thereafter be issued.

C.A.No. 3099 of 2016

Service of notice on respondent no. 1 is deemed to be complete

as he is appellant in C.A.Nos. 6183-6255 of 2015. Vakalatnama and counter affidavit on his behalf be filed in terms of Hon'ble Court's order mentioned above.

Learned counsel for the appellant to take fresh steps for effecting service of notice on respondent nos. 2 and 3 within one week and notice thereafter be issued.

Application for directions and permission to file additional documents be processed under rules.

C.A.Nos. 6022-6044 of 2016

Sole respondent in C.A. Nos. 6022-6042 of 2016 to file counter

affidavit in terms of Hon'ble Court's order mentioned above.

None appears for sole respondent in C.A. No. 6044 of 2016 despite due service.

Learned counsel appearing for sole respondent in C.A. No. 6022-6042 of 2015 submits that he has already filed counter affidavit in C.A.No. 6213 of 2015. He adopts the same counter affidavit in these matters also and also in other matters where 'Vodafone' is sole respondent or one of the respondent.

â | .contd.

Item no. 96 -10-

Learned counsel for the appellant to furnish fresh address of sole respondent in C.A.No. 6043 of 2016 within one week and notice thereafter be issued.

Learned counsel appearing for 'Reliance Communication' and 'Idea Cellular' in all the matters submits that he does not want to file counter affidavit in view of cross appeals filed.

Registry to process for listing the matters in terms of direction of Hon'ble Court.

(PAWAN DEV KOTWAL)
Registrar