

# One97 Communications Limited And Anr vs Union Of India And Ors on 22 September, 2020

**Author: Prateek Jalan**

**Bench: Chief Justice, Prateek Jalan**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3330/2020 & CM APPL. 11699/2020

ONE97 COMMUNICATIONS  
LIMITED AND ANR

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Through: Mr. Dushyant Dave, Senior Advocate with Ms. Neha Sangwan & Ms. Ruchira Goel, Advocates for Petitioner No.1.

Ms. Karuna Nundy, Ms. Ragini Nagpal, Advocates for Petitioner no. 2.

Mr. Ashim Sood & Ms. Senu Nizar, Advocates for Intervenor/IAMAI.

versus

UNION OF INDIA AND ORS

..... Re

Through: Mr. Chetan Sharma, ASG with Mr. Anurag Ahluwalia, CGSC, Mr. Abhigyan Siddhant, Mr. Anish Roy, Mr. Sahaj Garg, Mr. R.V. Prabhat & Mr. Amit Gupta, Advocates for R-1/UOI.

Mr. Arjun Natarajan with Mr. N. Sasank Iyer, Advocates for R-2/TRAI.

Mr. Nalin Kohli, Mr. Tejveer Bhatia & Ms. Vishakha Ahuja, Advocates for R-3/B

Ms. Shikha Sarin, Advocate for R-4 & R

Ms. Anuradha Dutt, Ms. Fereste Sethna, Mr. Anish Kapur, Ms. Suman Yadav &

Ms. Nikhita Suri, Advocates for R-5.

Mr. Harsh Kaushik, Mr. Abhay Chattopadhyay,

Ms. Nikita Chitale, Advocates for R-6/B  
Airtel Limited.

Mr. Dayan Krishnan, Senior Advocate with

Mr. K.R. Sasiprabhu, Mr. Hiten Sampat,

Mr. Raghav Shankar, Mr. Vishnu Sharma,

W.P.(C) 3330/2020

Signature Not Verified  
Digitally Signed By: PANKAJ

KUMAR

Location:

Signing Date: 23.09.2020

16:51:40

Mr. Sanjeevi Sesadri & Mr. Tushar  
Advocates for R-7/Reliance Jio In  
Mr. Anjan Chakraborty & Mr. Akshay  
Advocates for R-8/MTNL.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 22.09.2020 The proceedings in the matter have been conducted through video conferencing.

1. This case concerns the question of implementation of the Telecom Commercial Communications Customer Preference Regulations, 2018 (hereinafter referred to as 'the TCCCPR 2018 Regulations'). Having heard learned counsel for both sides and looking to the facts and circumstances of the case, we are informed that since long, notices have been issued by Telecom Regulatory Authority of India (hereinafter referred to as 'TRAI') for non-compliance of the TCCCPR 2018 Regulations, but not a single show cause notice has been finally adjudicated upon.

2. Learned counsel for TRAI has argued out the case at length and taken this Court to various definitions provided in the TCCCPR 2018 Regulations. However, all these provisions are of no use if no final decision is taken by TRAI after issuing the show cause notices.

3. We expect from TRAI that at least one or two show cause notices will be finally adjudicated before the next date of hearing.

4. Learned counsel for TRAI is seeking four weeks' time to take action in accordance with law against entities/telecom service providers which are not registered or to whom the show cause notices have been issued. We are giving 8 weeks' time to TRAI for the said purpose and the progress shall be pointed out by TRAI on the next date of hearing.

5. It is made clear that TRAI is free to adjudicate the show cause notices issued by it in accordance with law, and take such decision as it thinks is appropriate. We have not given any direction except that the adjudication should be completed.

6. Additional affidavits shall be filed by respondent No.2/TRAI before the next date of hearing. TRAI is also directed to bring the additional affidavits already filed, on record.

7. List on 25.11.2020.

CHIEF JUSTICE PRATEEK JALAN, 22 SEPTEMBER 2020 ns