



IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 15132 of 2022.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh

AND

IN THE MATTER OF;

Tele Exchange Limited, represented by its Managing Director, having its address at Del Janani (1st Floor), House No. 31, Road No. 06, Block - C, Banani, Dhaka- 1213 and another.

.....Petitioners.

-VERSUS-

1. Bangladesh, represented by the Secretary, Ministry of Posts, Telecommunications & Information Technology, Ramna, Dhaka-1000
2. Bangladesh Telecommunication Regulatory Commission (BTRC), represented by its Chairman, IBB Bhaban, Ramna, Dhaka-1000
3. Director, (Finance, Accounts and Revenue Division), Bangladesh Telecommunication Regulatory Commission (BTRC), IEB Bhaban, Ramna, Dhaka-1000.
4. Deputy Director, (Finance, Accounts and Revenue Division), Bangladesh Telecommunication Regulatory Commission (BTRC), IEB Bhaban, Ramna, Dhaka-1000
5. Telex Limited, represented by its Managing Director, having its address at Green Delta AIMS Tower, 10th Floor, 51-52, Mohakhali C/A, Dhaka-1212
6. Vision Tel Limited, represented by its Managing Director, having its address at Khawaja Tower, 10th Floor, 95 Mohakhali, Dhaka-1212
7. Bestec Telecom Limited, represented by its Managing Director, having its address at 45, Navana Tower, 8th Floor, Gulshan-1, Dhaka-1212



8. Apple Global Tel Communications Limited, represented by its Managing Director,
having its address at House No. 06, Road No. 28, Block- K, Banani, Dhaka- 1213.

.....Respondents.

AND

IN THE MATTER OF:

Decision of the respondent No. 2 taken in its 257th Meeting held on 25.11.2021 under
সিদ্ধান্ত- ১১:(ক) revoking its earlier decision being সিদ্ধান্ত- ৯:(ক) and ৯:(গ) taken in its 191st
Meeting held on 18.11.2015, so far it relates to the petitioners, as communicated by
Memo No. 14. 32. 0000. 009. 36. 013. 20. 1526 dated 11.01.2022 (Annexure - "A")
issued by respondent No. 2 under the signature of respondent No.3.

AND

IN THE MATTER OF:

Memo dated 14.32.0000.900.36.256.22.46 dated 13.10.2022 (Annexure- "A-1") issued
by respondent No. 2 under the signature of respondent No. 4 directing the petitioner to
pay the outstanding amount of Tk. 7,95,000,00/- (Taka Seven Crore Ninety Five Lac
Only) as Revenue Sharing.

Present:

Mr. Justice Zafar Ahmed.

And

Mr. Justice Md. Bashir Ullah.

The 15th day of December, 2022.

Mr. Md. Saimum Islam, Advocate

.....for the petitioners.

Mr. Nawroz Md. Rasel Chowdhury, DAG with

Mr. MMG Sarwar (Payel),

Mr. Masud Rana Mohammad Hafiz, and

Ms. Tamanna Ferdous, AAGs.

.....for the Respondents.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why
the impugned decision of the respondent No. 2 taken in its 257th Meeting held on



25.11.2021 under সিদ্ধান্ত- ১১:(ক) revoking its earlier decision being সিদ্ধান্ত- ৯:(ক) and ৯:(গ) taken in its 191st Meeting held on 18.11.2015, so far it relates to the petitioners, as communicated by Memo No. 14.32.0000.009.36.013.20.1526 dated 11.01.2022 (Annexure-A) issued under the signature of respondent No. 3 and the Memo dated 14.32.0000. 900.36.256.22.46 dated 13.10.2022 (Annexure-A-1) issued under the signature of respondent No. 4 directing the petitioner to pay the outstanding amount of Tk. 7,95,000,00/- (Taka Seven Crore Ninety Five Lack only) as Revenue Sharing should not be declared to be without lawful authority and of no legal effect and as to why the respondents should not be directed to resolve the dispute between the petitioners and respondent Nos. 5 and 8 in accordance with Clause No. 18 of the License dated 12.04.2012 (Annexure- B) read with Clause No. 27 of the Interconnection Agreements along with Clause No. 34.06 of the Regulatory and Licensing Guideline for ICX Services and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is returnable within 4 (four) weeks.

Pending hearing of the Rule, let the operation of the Memo No. 14.32.0000.009.36.013.20.1526 dated 11.01.2022 (Annexure-A) issued under the signature of respondent No. 3 and the Memo dated 14.32.0000.900. 36.256.22.46 dated 13.10.2022 (Annexure-A-1) issued under the signature of respondent No. 4 be stayed for a period of 03 (three) months from date.

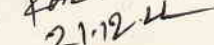
The petitioners are directed to put in requisites for service of notice upon the respondents through registered post and in usual course.

Zafar Ahmed.


Md. Bashir Ullah.

Typed by: Monir: 21.12.2022.


Read by:  21.12.22

Exam. by:  21.12.22

Readied by: 


21.12.22
প্রশাসনিক কর্মকর্তা
সিদ্ধান্ত- ১১:(ক) হক ভূঞা


21.12.22
Md. Abdul Momen
Superintendent

 21.12.22
সহকারী সিনিয়র জজ
বাংলাদেশ সুপ্রীম কোর্ট, অধিবেশন বিজ্ঞ
চিফ জুডিসিয়াল ম্যাজিস্ট্রেট
১৮-দারুল-ই-ইলম রোড, ঢাকা

“দেশপ্রেমের শপথ নিঃসৃত, দুশ্মানকে বিদায় দিন”