

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI**

DATED 3rd AUGUST 2012

APPEAL No. 13 of 2012

Sistema Shyam Teleservices Ltd. ...Appellant

Vs.

Telecom Regulatory Authority of India ...Respondent

APPEAL No. 14 of 2012

Unitech Wireless (TN) Pvt. Ltd. ...Appellant

Vs.

Telecom Regulatory Authority of India ...Respondent

BEFORE:

HON'BLE MR. JUSTICE S.B. SINHA, CHAIRPERSON

HON'BLE MR.P.K. RASTOGI, MEMBER

For Appellant : Mr.Ramji Srinivasan, Sr. Advocate
(Sistema Shyam) Mr.Mansoor Ali Shoket. Advocate
Ms. Vibha Dhawan, Advocate

For Appellant : Mr. Meet Malhotra, Sr. Advocate
(Unitech Wireless) Mr. N. Ganpathy, Advocate
Mr. Ravi S.S. Chauhan, Advocate

For Respondent : Mr. Saket Singh, Advocate

ORDER

After the judgement was pronounced, some typographical/clerical errors therein have been noticed.

Therefore, we intend to make requisite corrections in our judgement dated 20th July, 2012.

1. Wherever the word 'Petitioner' in the judgement appears, the same shall be substituted by the word 'Appellant'.
2. In para 1 at page 2, the words 'hereinafter called and referred to for the sake of brevity as the said Regulations shall be within the brackets.
3. In para 2 at page 2 in stead and in place of Section IV, 'Section 4' shall be inserted.
4. In para 3 in the third line in place of words ' Otherwise than' the words 'In stead and in place of' shall be inserted.
In para 3 at fifth line, the word 'Article 14 of' shall be inserted before the words 'Constitution of India'.
In sub para 2 of Para 3, the words ' which are relevant for our purpose is to be deleted.

5. At para 4, in stead and in place of the words ‘ The said I.A. and other I.A.s were’ the said words ‘ The application for extension of time was’ shall be inserted.
6. At para 5, instead and in place of the words ‘2010 Regulations’, the word ‘ 2009 Regulations’ shall be inserted.
7. At para 6, the said words ‘ to clauses 6 and 12 were made’ after the word amendments shall be inserted and in stead and in place of word ‘inserted’ the word ‘made’ shall be inserted.
8. At para 7, in stead and in place of words ‘ Date from which the judgement of the Hon’ble Supreme Court of India became operation’, the words ‘ date specified in the judgement dated 02.02.2012’ shall be inserted.
9. At para 8 the words ‘ petitions were’ shall be replaced by the words ‘appeals have been’.
10. At para 9, clause (ii) the word ‘ seeking’ shall be replaced by the words ‘ that there was a’ and in stead and in place of word ‘relaxing’ the word ‘relaxation’ shall be inserted. At clause (ii) the word ‘arising’ shall be inserted after the word ‘situation’ and before the words ‘Out of the judgment of the Supreme Court of India’.

At para 9, clause (iii), in stead and in place of word 'area' the word 'network' shall be inserted.

11. In the second sentence of para 10 the words 'including Bharati Airtel' shall be inserted after the word 'the other licencees'. In stead and in place of word 'largest' the word 'higher' shall be inserted.

In the third sentence of para 10, the words ' that the Appellants' shall be inserted and in the fourth sentence the words 'them to port out' shall be inserted after the word 'customers by asking'.

12. In the fourth sentence of sub-para 2 of para 12 the word 'bidders' shall be inserted after the word 'do not become successful' and in the sixth sentence, words 'left for porting out' shall be inserted after the word '7 days' time'. Word ' a period' is deleted.

13. In para 15, in the third line words ' the said licenses to' shall be substituted with the words ' that they would' and in the fourth line word 'the' shall be substituted with the word 'their' before the word 'consumers'.

In the third line of sub-para 2 of para 15, the word ' of' is substituted with the word 'in'.

14. In the second line of para 16, the words 'the TRAI' is substituted with the word 'it' and in the third line word 'as' shall be inserted after the word 'alive'. In the fifth line of Para 16, the word 'subjected' shall be replaced by the word 'subject'.
15. In para 17 at third line, the word 'many' shall be replaced with the word 'may'.
16. In the second line of para 19, the words 'they have' shall be deleted and in the third line the word ' despite' shall be substituted by words 'joined their networks even after' and there shall be insertion of words 'were passed' after the word 'Supreme Court of India'. The fourth sentence of para 19 'A large number of customers have joined their network' shall be deleted.

In the fifth line of para 19, the word 'also' is to be inserted after the word 'have' and before the word 'ported in'.

17. In the second line of para 21, in stead and in place of word 'as' the word 'any' shall be substituted and in the third line, the words 'the month of' before the word 'July' would be inserted.

The words 'and thus' shall be inserted before the words 'it is difficult'.

18. In the sub-para 4 of the para 23, the word 'As would appear from' shall be substituted with the word 'In'.

In the second sub para of paragraph 23, in place of the word 'the notice' the words 'upon noticing the' before the words 'said decision' shall be substituted and after the word 'it' shall be inserted before the word 'was' and after the words 'the said decision'.

19. In para 24, there shall be insertion of the words 'or a few lakhs' before the word 'customers who may lose their right' and in the third line of the said para, the word 'Petitioners were' shall be substituted by the word 'Appellant, which was'.

In the first sentence of sub-para 2 of para 24, the word 'done' shall be inserted before the word 'same' and after the word 'have' and the word 'the same' in the second line before the word 'after 90 days' shall be deleted. In the fifth sentence of the sub-para 2 of para 24, the word 'terms' shall be replaced with the words 'done so'.

20. In the fifth line of para 25, the words 'Their old share in' before the word 'the market' and the words 'once again' after the word 'the market' shall be inserted.

21. In para 27, the word 'grounds' shall be replaced with the word 'terms' and in the fifth line the word 'these' shall be substituted with the word 'the'.

In the sub-para 2 of para 27, the word 'for' shall be replaced with the word 'from' and in stead and in place of the words 'While making this amendment, the Regulator had' the word 'were' shall be substituted. In the third line, there shall be insertion of words 'of the TRAI, while making the said Regulations' after the word 'mind'. In the fourth line, the word 'recourse' shall be substituted with the word 'rigours'.

In the eighth line of sub-para 2 of para 27, the word 'not' shall be deleted and the word 'has' shall be substituted with the word 'had'.

22. In the ninth sentence of para 28, the word 'which' shall be deleted.

23. In the para 29, the word 'be licensed' shall be substituted with the word 'the license' and in the third line the word 'adsorb' be substituted with the word 'adopt'.
24. As agreed to by the counsel for the parties, let the judgment dated 20th July, 2012 as modified by us vide our order dated 3rd August, 2012 be supplied to the counsel for the parties and / or uploaded on website.

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(S.B. Sinha)
Chairperson

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(P.K. Rastogi)
Member