

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

Dated 7th January, 2013

**M.A. No. 10 of 2013
In
Petition No. 294 of 2012**

M/s Videocon Telecommunications Ltd. ...Petitioner
Vs.
Union of India ...Respondent

BEFORE:

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

For Petitioner : Mr. Navin Chawla, Advocate
Mr. Dayan Krishnan, Advocate
Mr. Kirtiman Singh, Advocate
Mr. T. Singhdev, Advocate
Mr. W.A. Noor, Advocate

For Respondent : None

ORDER

This Tribunal by its order dated 29.10.2012 had passed an order to release the PBGs. The petitioner has filed the present miscellaneous application stating that in spite of order dated 29.10.2012 for release of PBG to the petitioner, the respondent has issued a letter dated 3.01.2013, wherein the applicant has been directed to furnish the extension of the PBG for a minimum period of one year on or before 7.1.2013 failing which action

as per license agreement including invocation of Bank Guarantee of Bank Guarantee will be initiated without any further notice.

2. Nobody appears on behalf of the respondent.

3. It is seen that this Tribunal had passed the following order in this petition on 29.10.2012 :

"17. Failure on the part of a contracting party to discharge its obligation within a time frame and/or within a reasonable time, in the opinion of this Tribunal should be sufficient to issue a direction upon the Respondent herein to release the performance bank guarantees.

18. In the event, however, the Respondent in future finds that any further sum is payable by the Petitioner, it can realize its dues from the financial bank guarantees and/or other assets of the Petitioner.

19. These petitions are, therefore, allowed. The Respondent is hereby directed to return the PBGs, in respect of the aforementioned circles. No order as to costs."

4. It is noticed that inspite of clear orders of this Tribunal for release of PBGs, the respondent has issued a direction to the petitioner for extension of PBGs for a further period of one year.

5. As last date for action to be taken by the petitioner is expiring today, it is directed that communication dated 3.1.2013 will not be given effect to by the respondent, pending hearing in this application. This order will be subject to any other or further orders.

6. Put up on 17th January 2013 for hearing on interim matter under the heading "for orders".

/NC/

.....
(P. K. Rastogi)
Member