

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 33885/2017
(Arising out of impugned final judgment and order dated 26-10-2017
in CS No. 383/2017 passed by the High Court of Delhi at New Delhi)

UNION OF INDIA

Petitioner(s)

VERSUS

VODAFONE GROUP PLC & ANR.

Respondent(s)

(With IA 133374/2017 - FOR EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT and IA 133375/2017 - FOR PERMISSION TO FILE
LENGTHY LIST OF DATES)

Date : 14-12-2017 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Maninder Singh, ASG.
Mr. D.L. Chidananda, Adv.
Mr. R. Balasubramanyam, Adv.
Mr. Sachin Sharma, Adv.
Mrs. Anil Katiyar, AOR

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Parag Tripathi, Sr. Adv.
Ms. Anuradha Dutt, Adv.
Ms. Fereshte D. Sethna, Adv.
Ms. Vijayalakshmi Menon, Adv.
Ms. Ekta Kapil, Adv.
Mr. Sameer Rohatgi, Adv.
Mr. Haaris Fazili, Adv.
Mr. Shatadal Ghosh, Adv.
Mr. Manmeet Singh Gulati, Adv.
Ms. B. Vijayalakshmi Menon, AOR

UPON hearing the counsel the Court made the following
O R D E R

Since the respondents have appeared on caveat, we have
heard both the parties at length.

The impugned order dated 26.10.2017 has been passed by
the learned Single Judge of the High Court of Delhi, without
prejudice to the rights and contentions of the petitioner
which are taken by the petitioner in the Suit filed by it.

Therefore, we are of the opinion that it is not going to adversely affect the petitioner in case the modalities of that order are worked out for the time being. Ultimately, if the petitioner succeeds, the impugned order would have no effect. Copy of order dated 17.11.2017 passed by the learned Single Judge is placed before us, as per which the matter is listed now for hearing on 8th, 9th and 10th of January, 2018, when the High Court is going to hear and decide the matter.

Going by the totality of the circumstances, let the parties go ahead as per the orders dated 26.10.2017 and the Chairman be appointed and the Arbitral Tribunal be constituted. However, since the matter is coming up before the learned Single Judge of the High Court for arguments from 08.01.2018 as mentioned above, the Tribunal so constituted, if any, shall not commence hearing before 10.01.2018.

Needless to mention, we have not made any observations on the merits of the contentions raised by the parties in the Suit including the contention of the plaintiff that such proceedings are abuse of the process of law and the claims of the respondent that the Courts in India have no jurisdiction to deal with the issue.

We also expect the hearing to take place before the learned Single Judge on the dates fixed and it would be for the learned Single Judge to pass any further orders.

The special leave petition stands disposed of.

(NIDHI AHUJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER