

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT No.374 of 1991

M.T.N.L. ..Plaintiff.

Vs.

H. S. R. Johnson (India)
Ltd. ..Defendant.

Ms Krupa Shirke i/b Gordhandas & Fozdar, Advocate
for Plaintiff.

Mr Vishal Kanade i/b Cr. Bayley & Co.,Advocate
for the Defendant.

**ALONGWITH
SUIT No.403 of 1991**

M.T.N.L. ..Plaintiff.

Vs.

Harsora Govindbhai Kurjbhai. ..Defendant.

Mr Abhay Sharma i/b T.S. Tendulkar, Advocate for
the plaintiff.

**ALONGWITH
SUIT No.506 of 1991**

M.T.N.L. ..Plaintiff.

Vs.

Mrs Neelam B. Navaney. ..Defendant.

Mr V. Narayanan, advocate for the plaintiff.

None for the defendant,

**ALONGWITH
SUIT No.507 of 1991**

M.T.N.L. ..Plaintiff.

Vs.

Barbir Singh Batra & Anr.

..Defendants.

Mr V.Narayanan, advocate for the plaintiff.

None for the Defendant.

**ALONGWITH
SUIT No.625 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Smt. Bharati Kishore Thakkor
& Anr.

..Defendants.

Ms S. I. Shah i/b S. I. Shah & Co. for the
Plaintiff.

**ALONGWITH
SUIT No.727 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Arjun Hundraj Bajaj

..Defendant.

Ms J. R. Thakker, Advocate for the Plaintiff.

Mr S.J. Khera, Advocate for the Defendants.

**ALONGWITH
SUIT No.730 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Basant B. Bhamka.

..Defendant.

Mr V. V. Shinde i/b Shukla & Associates for the
plaintiff.

None for the defendant.

**ALONGWITH
SUIT No.978 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Nitin Hemchand

.. Defendant.

Mr V. V. Shinde i/b Shukla & Associates for the plaintiff.

None for the defendant.

**ALONGWITH
SUIT No.1096 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

M/s Rank Industries.

..Defendant.

Ms J. R. Thakker, Advocate for the plaintiff.
None for the defendant.

**ALONGWITH
SUIT No.1140 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Kishore T. Rajpal.

..Defendant.

Mr Abhay Sharma i/b J.S. Tendulkar, & Associates
for the Plaintiff.

None for the defendant.

**ALONGWITH
SUIT No.1141 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Ecchman Gulabrai Babu.

..Plaintiff.

Mr Abhay Sharma i/b T.S. Tendolkar, Advocate
for the plaintiff.

None for the Defendant.

**ALONGWITH
SUIT No.1226 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Mohamed Husheer Ambalal Pally. ..Defendant.

Ms Krupa Shirke i/b Gordhandas & Fozdar,
Advocate for the Plaintiff.

None for the Defendant.

**ALONGWITH
SUIT No.1230 of 1991**

M.T.N.L. ..Plaintiff.

Vs.

Rajeshkumar Mehta ..Defendant.

Ms Krupa Shireke i/b Gordhandas & Fozdar,
Advocate for the Plaintiff.

None for the Defendant.

**ALONGWITH
SUIT No.1330 of 1991**

M.T.N.L. ..Plaintiff.

Vs.

Navinchandra Mehta. ..Defendant.

Mr V. V. Shinde i/b Shukla & Associates,
Advocate for the Plaintiff.

None for the Defendant.

**ALONGWITH
SUIT No.2778 of 1991**

M.T.N.L. ..Plaintiff.

Vs.

Mr M. Shafee A Khuddus ..Defendant.

Ms S.I. Shah i/b Asha, Advocate for the plaintiff.

Mr Suresh Gole, Advocate for the Defendant.

ALONGWITH

SUIT No.3196 of 1991

M.T.N.L.

..Plaintiff.

Vs.

M/s Salgaonkar Engineers

..Defendant.

Ms S.I. Shah i/b Asha, Advocate for the plaintiff.

None for the Defendant.

**ALONGWITH
SUIT No.3056 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Mrs Arwa Murtaza Wapani & Anr. ..Defendants.

Ms Krupa Shirke i/b Gordhandas & Fozdar,
Advocate for the Plaintiff.

**ALONGWITH
SUIT No.3113 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Mrs Savitri Jagasia

..Defendant.

Mr Abhay Sharma i/b T.S. Tendulkar, Advocate for
the plaintiff.

None for the Defendant.

**ALONGWITH
SUIT No.3190 of 1991**

M.T.N.L.

..Plaintiff.

Vs.

Hirji Nansey and Co.

..Defendant.

Ms J. K. Thakker, Advocate for the Plaintiff.

None for the Defendant.

ALONGWITH
SUIT No.1876 of 1991

M.T.N.L. ..Plaintiff.

Vs.

Mr Zubair Gulam Kadir Surti ..Defendant.

Ms J. R. Thakker, Advocate for the Plaintiff.

None for the Defendant.

ALONGWITH
SUIT No.1585 of 1991

M.T.N.L. ..Plaintiff.

Vs.

Hirji Nansey and Co. ..Defendant.

Ms J. K. Thakker, Advocate for the Plaintiff.

None for the Defendant.

ALONGWITH
SUIT No.1586 of 1991

M.T.N.L. ..Plaintiff.

Vs.

Narain and Radio Centre. ..Defendant.

Mr Abhay Sharma i/b T.S. Tendolkar Associates
Advocate for the Plaintiff.

None for the Defendant.

ALONGWITH
SUIT No.1587 of 1991

M.T.N.L. ..Plaintiff.

Vs.

Smt Firoza Sultan ..Defendant.

Ms J. R. Thakker, Advocate for the Plaintiff.

None for the Defendant.

ALONGWITH
SUIT No.1697 of 1991

M.T.N.L.

..Plaintiff.

Vs.

Ajitkumar Jayantilal

..Defendant.

Mr Abhay Sharma i/b T. S. Tendulkar &
Associates for the Plaintiff.

None for the Defendant.

ALONGWITH
SUIT No.1844 of 1991

M.T.N.L.

..Plaintiff.

Vs.

Sharadchandra Mohanlal Shah
& Ors.

..Defendants.

Mr V. V. Shinde i/b Shukla & Associates for the
plaintiff.

Mr K. H. Mody i/b R.C. Shah, Advocate for the
defendant.

CORAM: V. C. DAGA, J.
DATED: 31. 01. 2008.

P.C.:-

1. Heard learned counsel for the parties.
2. Perused the plaint.

3. The present suits have been filed by the plaintiff-M.T.N.L. for recovery of amount due and payable by the defendants under different telephone bills. The defendants failed to pay the amount so demanded by the plaintiff as per the said telephone bills, as the defendants contested the demand being excessive one. As the defendants have failed to pay the amount, the plaintiff had no option but to institute the present suits for recovery of the amount under the suit bills.

4. In view of the mandate of Section 7-B of the Act as expounded by the Apex Court in the case of **Telecom District Manager, Goa and Ors vs. V.S. Dempo & Co. and Ors, A.I.R.1996 S.C. 1545**, it is appropriate that the matter is referred to arbitration. The reference to arbitration is for determination of dispute under Section 7-B of the Act, which is a statutory remedy.

5. The Central Government shall notify the arbitrator before whom the present disputes will be tried and decided in arbitration. The plaintiff to intimate competent Authority of the Central Government to take immediate steps to

notify the arbitrator in terms of Section 7B of the Act. Such notification shall be issued within eight weeks from today.

6. The Arbitrator so appointed shall conclude the arbitration proceedings as expeditiously as possible and in any case, not later than six months from the date he enters upon arbitration or the parties are expected to make first appearances before him, whichever is earlier.

7. It is made clear that all issues raised in the present suits at the instance of either side shall be considered on merits in accordance with law in the arbitration proceedings.

8. Needless to mention that Arbitrator would also be entitled to adjudicate upon counter-claim, if any. The parties shall also be at liberty to file their rival pleadings if already not filed.

9. All Suits are disposed of in the above terms. Refund as per rules.

10. The learned counsel for the plaintiff assures that intimation will be given to the

Advocate for all the defendants, as well as the
plaintiff forthwith about the order passed today
in this suit.

(V.C. DAGA,J)