

**SUPREME COURT OF INDIA**

Union of India (Uoi)

Vs.

Alok Kumar Dass

(B.N. Kirpal and S.S. Mohammed Quadri, JJ.)

06.03.2000

**ORDER**

1. Special leave granted.

2. Learned Counsel for Respondent Nos. 1 and 2 makes a statement that he has instructions to ask for withdrawal of the Writ Petition in the High Court.

3. In this case, the Appellants had granted a licence to Respondent No. 3 company which permitted them to provide service of cellular phones. Respondent Nos. 1 and 2 herein were stated to be the subscribers. When the licence of Respondent No. 3 was cancelled because of non-payment of dues of Rs. 61 crores, Respondent Nos. 1 and 2 chose to file a writ petition in the High Court saying that the cancellation of the licence would amount to the disconnection of their telephones and, therefore, that licence should not be cancelled without making an alternative arrangement for the writ Petitioners. On this, the impugned order was passed by the High Court permitting the Union of India to encash a bank guarantee of Rs. 8.9 crores and directing the Appellants herein including the Department of Telecommunications (DOT) to reconnect the connectivity.

4. We are astonished to see such an order being passed which is clearly a device used by the defaulter licensee to get his licence extended without making payment of the amounts due. We are firmly of the opinion that this device should not have been allowed to succeed. The Writ Petitioners had not locus standi to challenge the action of DOT in cancelling the licence of the licensee on account of non-payment of the licence fee.

5. We, accordingly, allow this appeal and set aside the order of the High Court. The Appellants will be entitled to costs from Respondent Nos. 1 and 2 computed at Rs. 10,000/- (Rs. 5,000/- per Respondent).