

Department of Telecommunications

(Legal Cell)

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No. 6-20/2014-LC

Dated: 12.01.2015

OFFICE MEMORANDUM

**Subject: Forwarding of Minutes of the meeting held on 06.01.2015 to review pending Court Cases in Department of Telecommunications.**

Kindly find enclosed a copy of the minutes of the meeting chaired by Special Secretary (T) on 06.01.2015 regarding review of pending Court Cases for information and necessary action. Action taken report may be forwarded to Legal Cell within 15 days.

Encl.:- As above.

*Sumish*

(Sumish)  
Section Officer (Legal)  
Ph. 23036199

No. 6-20/2014-LC  
To

All Wings Head -As per list attached.

Copy to for information:-

- 1. PPS to Secretary (T)
- 2. PPS to Spl. Secretary (T)/Member(F)/Member(T)/Member(S)
- 3. PS to JS & LA

*o/c.*

*(MOR)*  
*12/1/15*

*M 12/1/15*

*[Signature]*

*[Signature]*

*[Signature]*

*M 12/1/15*

Following discussions were held and decisions taken during the meeting:-

During the review of the position of uploading details of court cases in the CCMS it was noticed that there was considerable progress in uploading of the basic

**Record of discussion of the Meeting chaired by SS(T) on 06.01.2015 to review pending court Cases in Department of Telecommunications.**

In the meeting cited above the JS & LA, as asked by the Chairperson, informed about the suggestions contained in the D.O. Letter received from the Cabinet secretary and the necessity of putting in place a system for regularly monitoring the court cases so that the interests of the Department were adequately safeguarded before the Courts of Law. The Chairperson further initiated the discussions by first reviewing the progress of uploading the details of court cases by each division in the Court Case Monitoring System (CCMS). She thereafter opened the floor for suggestions from various officers in the context of key directions in the aforementioned D.O. Letter. Following discussions were held and decisions taken during the meeting. Action: All DDGs

- (i) During the review of the position of uploading details of court cases in the CCMS it was noticed that there was considerable progress in uploading of the basic information. The Vigilance Division, WPF Division, PSU-I Division, AS-I Division and PG Division were directed by the Chairperson to complete the uploading of all the cases within next 10 days.

Action: CVO, DDG (PSU), DDG (AS-I) & DDG (PG),

- (ii) A review of entries made in the CCMS reveals that there was virtually no progress as regards the updation of information was concerned. It was emphasized that for effective monitoring and avoidance of delay in courts from Department's perspective regular updation on the part of respective divisions be ensured. In the context of key directions of the aforementioned D.O. Letter,

Following discussions were held and decisions taken during the meeting. Action: All DDGs

- (iii) A suggestion was given that the rights of modification/correction of data be given to an authorized and identified person. In this connection the Chairperson suggested that this was completely within the discretion of concerned DDGs/Wing Heads and did not call for any other approval. As regards the requirement of Login ID and Password for operating CCMS, the concerned DDGs to decide as to who all in the Wing/Division should have the same and

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project accordingly the requirement to IT Division. As regards the operational suggestions based on experience with CCMS, all the Divisions may share their views with the IT Division so that the package could be suitably moderated in the way required.

Action: All DDGs

- (iv) DDG (PG) informed about a no cases in the consumer forums where DoT/UoI was shown as a party. Such cases related to disputes between an individual subscriber and the service provider. In this regards it was decided to take up the matter for deletion of Dot/UoI as a party and it was further decided that a proposal may be prepared for referring the matter at the level of Secy(T) to Secy (Consumer Affairs ) for suitable intervention.

Action: DDG(PG)

- (v) It was agreed that the CCAs/Term Cells be provided User IDs & Passwords for entering relevant data and doing the updation in CCMS. DDGs are authorized to decide on the modalities for clubbing by having an appropriate classification keeping in view the jurisdictional/geographical issues.

Action: All DDGs

- (v) DDG( AS ) mentioned about the non availability of counsel, dates of hearing not being intimated in time and many a time very late intimation about the next date of hearing in courts. There was a suggestion that ASG/Advocates may be identified for this Department. In this regard subsequent to the advice of JS&LA that the matter could be referred to the Secretary, Law the Chairperson asked the concerned key Divisions to forward a note for consideration of sending a proposal to Secretary, Law.

Action: All concerned DDGs

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(vi) As regards the nomination of a Nodal Officer for acting as a coordinating point it was decided that the status quo will continue and the DDGs in respect of respective wings will continue to be the nodal officers.

Action: All DDGs

(vii) As regards the training on CCMS the requirement may be projected by the DDGs concerned in respect of officials working in the Division as well as those working in field set up for orientation on CCMS. This may be intimated to DDG (IT-II).

Action: All DDGs

(viii) JS & LA informed that files for legal advice need to be referred in a more systematic manner. The Divisions concerned may refer such proposals in a self contained note including therein the grounds for challenge, formulate legal issues, properly referencing the relevant documents along with the views of the Division.

Action: All DDGs

(ix) While reviewing the court cases being handled by the Vigilance Division it was suggested by JS(T) that the prevailing practice is that once the vigilance /disciplinary proceedings are over and an order is issued the subsequent action on court cases, if so, is taken by concerned Administrative Divisions. As such the Chairperson suggested that suitable instructions may be issued in this regard.

Action: CVO

(x) It was decided that weekly monitoring will be done by placing before Secy (T) data made available and updated by various divisions in CCMS. It was further proposed to hold the quarterly meetings at the level of Secy (T).

Action: All DDGs

(xi) JS (Admn.) suggested that it will be useful if Legal Cell could periodically provide details of cases coming up in courts in near future. In this connection it was noted that in the CCMS a system of alerts in this regard is provided over a period of 7 days, 15 days and 30 days. It was also underlined that for this it would be

suggested by JS(T) that the proceedings of the court cases, the disciplinary proceedings and court cases, if any, are to be reported to the Chairperson suggested that suitable instructions may be issued in this regard.

necessary that updation is done by respective divisions at the earliest. It was decided that the legal division may also explored the possibility of alerting the divisions concerned on cases coming up before various courts on a periodic basis.

Action: Legal Cell

List of participants to the meeting is enclosed.

The meeting ended with a vote of thanks to the Chair.

Respectfully,  
Secretary to the Legal Cell  
CIVILIAN COMPLAINTS CELL  
basis

List of participants to the meeting is enclosed.

The meeting ended with a vote of thanks to the Chair.



**Department of Telecommunications  
(Legal Cell)**

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No. 6-20/2014-LC

Dated: 12.01.2015

**Attendance sheet for meeting held under the Chairpersonship of SS(T)  
on 06.01.2015 at 10 A.M. in Committee Room.**

The following officers were present in the meeting:-

Sl. No.	Name	Designation
1	Sh. S.S. Sirohi	Sr. DDG (TERM)
2	Sh. R.S. Shukla	JS & LA
3	Sh. S.R. Kumar	JS (Admn.)
4	Sh. V. Umashankar	JS (T)
5	Sh. Saurabh Kumar Tiwari	DDG (E&F)
6	Sh. R.K. Mishra	DDG (SU/Estt./BW)
7	Sh. D. Manna	DDG (PG)
8	Sh. Rajveer Singh	DDG (SR)
9	Sh. G. Narendra Nath	DDG (Security)
10	Smt. Sunita Chandra	DDG (PSU)
11	Dr. R.M. Chaturvedi	DDG (CS)
12	Sh. Amit Mishra	DDG (IT-II)
13	Sh. K.B. Meena	Director (IT-4)
14	Sh. A. H.N. Sinha	NIC(HQ)
15	Dr. Brajesh Singh	Director (VA)
16	Sh. Inderjit Hadda	Deputy Secretary (VB)
17	Smt. Kamlesh Kr. Tripathi	Director (WR)
18	Sh. Anil Kumar	Director (WMO)
19	R. Dhariwal	Director (TERM-I)
20	Sh. S.K. Arya	Director (DS-II)
21	Manish Kr. Gupta	Director (LFP-II)
22	Sh. Sukhpal Singh	Dy. Wireless Advisor
23	Sh. R.B. Prasad	Jt. Wireless Advisor

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5	Sh. Saurabh Kumar Tiwari	DDG (E&F)
6	Sh. R.K. Mishra	DDG (SU/Estt./BW)
7	Sh. D. Manna	DDG (PG)
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18	Sh. Anil Kumar	Director (WMO)
19	R. Dhariwal	Director (TERM-I)
20	Sh. S.K. Arya	Director (DS-II)
21	Manish Kr. Gupta	Director (LFP-II)
22	Sh. Sukhpal Singh	Dy. Wireless Advisor
23	Sh. R.B. Prasad	Jt. Wireless Advisor

No. 6-15/2014-LC  
Government of India  
Ministry of Communications & IT  
Department of Telecommunications  
(Legal Cell)

15/02/15  
Section Officer (Legal)  
Ph. 23036199

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New Delhi, dated: 16.02.2015

OFFICE MEMORANDUM

**Subject: Forwarding of Minutes of the meeting held on 06.02.2015 to review Court Cases having financial implications.**

Kindly find enclosed a copy of the minutes of the meeting chaired by Secretary (T) on 06.02.2015 regarding review of Court Cases having financial implications for information and necessary action. Action taken report may be forwarded to Legal Cell within 15 days.

Encl.:- As above.

Ministry of Communications & IT  
Department of Telecommunications  
(Legal Cell)

*Sumish*  
16/2/15

Section Officer (Legal)  
Ph. 23036199

To

All Wings Head -As per list attached.

Copy to for information:-

- (i) PPS to Secretary (T) *[Signature]*
- (ii) PPS to Spl. Secretary (T)/Member(F)/Member(T)/Member(S) *[Signature]*
- (iii) PS to JS & LA *[Signature]*

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- (ii) PPS to Spl. Secretary (T)/Member(F)/Member(T)/Member(S)
- (iii) PS to JS & LA

**Minutes of the Meeting Chaired by Secretary (T) on 06.02.2015 at 11:30 AM to review Court Cases having financial implications.**

Secretary (T) took a meeting with concerned Members & Division Heads to review the position of cases pending in Supreme Court, various High Courts and TDSAT having financial implications. In all 395 cases having financial implications reported by various Wings were reviewed. A stock of cases where financial implications were not yet quantified was also taken. Special Secretary initiated the discussions by referring the directions of Hon'ble MOC & IT with regard to periodic review of cases having financial implications. She then referred to the updation being carried out in CCMS and stated that there was a provision of sending alerts, yet its utility will be ensured only when details were updated on a regular basis. She also mentioned that a slot has been kept during the upcoming conference of CCA's to discuss implementation of CCMS package and modalities for Court Cases defense and monitoring. Thereafter, the chairman enquired about the details of parameters in which information was made available in CCMS specially in terms of petitions/counters filed, previous dates of hearing and next date of hearing etc.

2. After reviewing the position of cases of various wings, the following decisions were taken in the meeting:

(i) The chairman laid emphasis on full fledged implementation of CCMS and development of a robust MIS on the same. In addition, there should be a provision for brief history and briefing points in respect of various cases. Specific person should be authorized for making changes and a record of changes in terms of the authority who authorized the changes and who made these changes be kept. Such as to provide a clear audit trail for both updates and case briefs.

Action : Sr. DDG/ all DDGs & DDG (IT-II)

(ii) The chairman laid emphasis on the development of a robust MIS on the same. In addition, there should be a provision for brief history and briefing points in respect of various cases.



(ii) The Chairman directed that the MIS in respect of CCMS should provide details of pendency, alerts etc.

Action: DDG (IT-II)

(iii) Some of the cases of various wings are being handled by offices of CCA & TERM Cells. There was a suggestion that these offices should be given the facility of making entries in the CCMS. In this connection, it was recalled that Division Heads were already authorized to bring their requirements to the notice of IT Division. It was directed by the Chairman that links to these offices may be provided early and in the interim the existing system to continue. However, authorization should be prudently recommended & incorporated in audit trail.

Action: All Wing Heads & DDG (IT-II)

(iv) Court Cases must be reviewed at the level of Special Secretary and Members every month in respect of their individual jurisdiction. Secretary (T) will also review the position of all cases in category 'A' and cases in category 'B' & 'C' on a random basis every two months.

Action: Special Secretary, Member (F), Member (T) & Member (S)

(v) The Division heads mentioned that they have been experiencing difficulty in appointment of Counsel in advance. The Chairman directed that the practicability of having fixed Counsel for important cases be examined. Wherever necessary in view of high stakes involved special engagement may be considered. JS & LA informed that a proposal had been referred to Department of Legal Affairs for timely appointment of Govt. Counsel in cases where DoT was involved as a party.

Action: All Wing Heads & JS & LA

(vi) The Division heads mentioned that they have been experiencing difficulty in appointment of Counsel in advance. The Chairman directed that the practicability of having fixed Counsel for important cases be examined. Wherever necessary in view of high stakes involved special engagement may be considered. JS & LA informed that a proposal had been referred to Department of Legal Affairs for timely appointment of Govt. Counsel in cases where DoT was involved as a party.

(vi) All Divisions should undertake a review of cases where advice were sought from law officers/Govt. Counsel to ensure that no case for payment of legal fees remains pending. This agenda may be included for monthly monitoring.

Action: All Wing Heads

(vii) While reviewing the cases of TERM Cell the Chairman suggested that an exercise may be done for considering the feasibility of compounding the cases. In addition, monitoring at the level of Secretary (T) may be taken up only if disputed charges exceed 5% of demand.

Action: Sr. DDG (TERM) & DDG (WPF)

(viii) In the context of financial involvement in different cases being handled by LF-P Wing the chairman directed that an exercise be conducted in respect of demand raised & realized during last few years. In addition a fully verified statement of all cases should also be provided to Legal Cell as there was a difference in position reported to the Legal Cell and that provided during the meeting.

Action: DDG (LF-P)

(ix) In the meeting the adequacy of fees being paid to the Counsels in TDSAT matters was discussed. In this connection, the Chairman directed that the fees being paid to the Counsels in TDSAT be compared to the fees being paid to the Counsels in the High Court. In case there is a differential, this may be intimated to the Legal Cell so that the possibility of making a reference to Ministry of Law & Justice could be considered.

Action: All Wing Heads & Legal Cell

(x) The DDG (LF-P) informed about appointment of official liquidator in a case pursuant to the judgement of Supreme Court of India. In this context the Chairman felt that it needed great clarity and directed that the matter may be discussed with JS & LA & further course of action planned accordingly.

Action: DDG (LF-P) & Legal Cell

(xi) The Chairman noticed that cases are pending for different duration in different courts. He desired to know what is the duration of pendency beyond which it can be assumed that there was a delay. For this purpose, he directed that information may be compiled.

Action: All Wing Heads

(xii) Considering the shortage of PA/PS in the department the feasibility of using voice recognition dictation software should be examined.

Action: DDG (C&A)

The meeting concluded with the Chairman directing that follow up may be done in respect of all the cases in the respected courts so that the department is kept fully briefed about the progress of cases and could take timely action for briefing the Advocate the preparing defense/counters.

The meeting ended with a vote of thanks to the chair.

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The meeting ended with a vote of thanks to the chair.