



CWP No. 3123 of 2021

04.06.2021 Present: Ms. Vandana Misra, Petitioner-in-person.

Mr. Ashok Sharma, A.G. with Mr. Vinod Thakur, Mr. Shiv Pal Manhans, Addl. A.G., Mr. J. S. Guleria and Mr. Bhupinder Thakur, Dy. A.Gs., for respondents-State.

Mr. Balram Sharma, ASGI, for Uol.

Mr. Navlesh Verma, Advocate, for BSNL.

Mr. Suneet Goel, Advocate, for Reliance Jio Infocomm Ltd.

(Through Video Conferencing)

Looking to the nature of the relief, we deem it appropriate to implead the following as parties:-

(i) State through its Director, Information & Technology, IT Bhawan, Shoghi Bypass Road, Mehli, Shimla, H. P.;

(ii) BSNL through its CMD, Sanchar Bhawan, 20, Ashoka road, New Delhi;

(iii) Airtel through its Chief Executive Officer, Panchkula, Haryana;

(iv) Reliance JIO Infocomm through its Chief Executive Officer, ISBT, Tutikandi, Shimla;

(v) Vodafone & Idea Ltd. through its MD & CEO, Birla Centurion, 10th floor, Plot No. 794, B-Wing, Pandurang, Budhkar Marg, Worli, Mumbai.

Notice. Mr. J. S. Guleria, learned Deputy Advocate General, Mr. Navlesh Verma, Mr. Suneet Goel, learned Advocates, appear and waive service of notice on behalf of Director, Information & Technology, BSNL through its CMD, New Delhi and Reliance JIO Infocomm through its Chief Executive Officer, ISBT, Tutikandi, Shimla, respectively. Notice be issued to the Chief Executive Officer Airtel, Panchkula and MD & CEO, Vodafone & Idea Ltd., Mumbai, returnable for 21.06.2021.

Heard for some time. It is represented by Mr. Navlesh Verma, learned Advocate, that BSNL has already called for tenders for supply of 4G equipment but the same could not

-2-

be finalised because of the objections raised by various authorities of the government.

We are surprised to note that the entire world is proceeding or has rather switched over to 5G technology, why the BSNL is still trying to procure outdated equipment of 4G. Why public money is sought to be wasted, is a matter of concern both for the public as well as for this Court. No government or authority for that matter has a right to say that it would indulge in wasteful expenditure and any attempt to fritter away the State resources can definitely be checked by this Court as it is not powerless to prevent such waste and squandering of public funds, as and when questioned. The government and authorities are only trustees of public funds and, therefore, are at an obligation to ensure that the funds are spent in a proper manner and no amount is wasted and that the public money is not frittered away.

Therefore, let BSNL to file a comprehensive affidavit as to why it still wants to pursue and pushing for the equipment, which is totally obsolete and outdated and would only be rendered scrap very shortly.

List for consideration on 21.06.2021. In the meanwhile, the service providers are directed to ensure that all Mobile Towers that have been erected thus far are fully operational and functional and compliance report in this regard be filed by them on or before the next date of hearing.

Learned counsel for Reliance Jio Infocomm Ltd. submits that his client has erected approximately 600 towers in the last one year and proposes to erect many such new towers but the difficulty coming in the way is on account of stay orders

-3-

that have been passed by the various Courts. Let details of such orders be filed alongwith the compliance report.

In the meanwhile, respondent No. 4-UOI to comply with the previous order.

**(Tarlok Singh Chauhan),
Judge**

**(Chander Bhusan Barowalia)
Judge**

June 4, 2021
(virender/Sanjeev)

High Court