

ITEM NO.302

Court 2 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SMC No(s). 1/2020

IN RE MANDAR DESHPANDE

(FOR ADMISSION)

WITH

Diary No(s). 2450/2020 (XVII)  
(FOR MODIFICATION ON IA 11628/2020  
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
18291/2020  
IA No. 11628/2020 - MODIFICATION  
IA No. 18291/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 2458/2020 (XVII)  
(FOR MODIFICATION ON IA 11657/2020  
IA No. 11657/2020 - MODIFICATION)

Diary No(s). 2461/2020 (XVII)  
(FOR MODIFICATION ON IA 11674/2020  
IA No. 11674/2020 - MODIFICATION)

Diary No(s). 2476/2020 (XVII)  
(FOR MODIFICATION ON IA 11730/2020  
IA No. 11730/2020 - MODIFICATION)

Diary No(s). 2578/2020 (XVII)  
(FOR MODIFICATION ON IA 12036/2020  
IA No. 12036/2020 - MODIFICATION)

W.P.(C) No. 238/2020 (PIL-W)  
(FOR EX-PARTE STAY ON IA 17942/2020  
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 38673/2020  
FOR CLARIFICATION/DIRECTION ON IA 43664/2020  
FOR CLARIFICATION/DIRECTION ON IA 45217/2020  
IA No. 38673/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 43664/2020 - CLARIFICATION/DIRECTION  
IA No. 45217/2020 - CLARIFICATION/DIRECTION  
IA No. 17942/2020 - EX-PARTE STAY)

MA 725-796/2020 in C.A. No. 6328-6399/2015 (XVII)  
(FOR EXEMPTION FROM PERSONAL APPEARANCE ON IA 45607/2020  
FOR EXEMPTION FROM PERSONAL APPEARANCE ON IA 45620/2020  
FOR EXEMPTION FROM PERSONAL APPEARANCE ON IA 45629/2020  
IA No. 45629/2020 - EXEMPTION FROM PERSONAL APPEARANCE  
IA No. 45620/2020 - EXEMPTION FROM PERSONAL APPEARANCE

IA No. 45607/2020 - EXEMPTION FROM PERSONAL APPEARANCE,  
IA. NOS.76310/2020, 76311/2020 )

Diary No(s). 9887/2020 (XVII)  
(FOR MODIFICATION ON IA 45207/2020  
IA No. 45207/2020 - MODIFICATION)

Date : 14-08-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE S. ABDUL NAZEEF  
HON'BLE MR. JUSTICE M.R. SHAH

By Courts Motion

Counsel for the  
parties

Mr. Tushar Mehta, Solicitor General  
Mr. Gurmeet Singh Makker, Adv.  
Ms. Binu Tamta, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Dhruv Tamta, Advocate  
Ms. Swati Ghildiyal, Adv.  
Mr. Kanu Agarwal, Advocate

Mr. Shyam Divan, Sr. Adv.  
Mr. Niraj Kishan Kaul, Sr. Adv.  
Mr. Ravi Kadam, Sr. Adv.  
Mr. Anoop Rawat, Adv.  
Ms. Smarika Singh, Adv.  
Ms. Shreya Sircar, Adv.  
Mr. Chaitanaya Safaya, Adv.  
Mr. Saurav Panda, Adv.  
Mr. Anuj Berry, Adv.  
Mr. Rishabh Sharma, Adv.  
Mr. Shardul S. Shroff, AOR

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Sanjay Kapur, Adv.  
Ms. Megha Karnwal, Adv.  
Mr. V.M. Kannan, Adv.  
Mr. Harshal Narayan, Adv.  
Mr. Sambit Panja, Adv.

Mr. Harish Salve, Sr. Adv.  
Mr. Sanjay Kapur, Adv.  
Ms. Megha Karnwal, Adv.  
Mr. V.M. Kannan, Adv.

Mr. Maninder Singh, Sr. Adv.  
Ms. Vibha Dhawan, Adv.  
Mr. Pukhrambamb Ramesh Kumar, Adv.  
Ms. Alvia Ahmed, Adv.  
Ms. Anupama Nagangom, Adv.  
Mr. Karun Sharma, Adv.  
Mr. Manjul Bajpai, Adv.  
Mr. Nitin Kala, Adv.  
Mr. Kunal Singh, Adv.

Mr Arvind P Datar, Sr. Adv.  
Mr Ramji Srinivasan, Sr. Adv.  
Ms Manali Singhal, Adv  
Mr Mansoor Ali Shoket, Adv.  
Mr Santosh Sachin, Adv.  
Mr Deepak S Rawat, Adv.  
Ms Aanchal Kapoor, Adv.  
Mr Nitin Kala, Adv.  
Mr Kunal Singh, Adv.  
Ms Ranjeeta Rohatgi, AOR

Mr. K.V. Vishwanathan, Sr. Adv.  
(Appearance slip not given)

Mr. Mahesh Agarwal Adv.  
Ms. Shally Bhasin, Adv.  
Mr. Victor Das, Adv.  
Ms. Saloni Mahajan, Adv.  
Mr. E.C. Agrawala, AOR

Mr. Swetank Shantanu, Adv.  
Mr. Ravi S Chauhan, Adv.  
Mr. Pratap Shanker, Adv.  
Ms. Shilpi Shrivastava, Adv.  
Mr. Ankit Kumar, Adv.

Mr. Brijender Chahar, Sr. Adv.  
Mr. Anil Kumar Mishra, Adv  
Mr. Sriram P., AOR

Ms. Shikha Sarin, Adv.  
Mr. Rahul Narayan, Adv.

Mr. Amit Dhingra, Advocate  
Mr. Rohit Mahajan, Advocate  
For M/S. Dua Associates, AOR

Mr. Harsh Kaushik, AOR  
Ms. Nikita Chitale, Advocate  
Mr. Atul Menon, Advocate  
Mr. Nilesh Shinde, Adv.  
Mr. Himanshu Kapoor, Adv.  
Mr. Vijayendra Pratap Singh, Adv.

Mr. Sameer Chugh,Adv.  
Mr. Vidyut Gulati,Adv.

Mr. Sameer Abhyankar, AOR  
Mr. Amish Tandon,Adv.  
Mr. Ayush Beotra,Adv.

Mr. Vishal Jain,Adv.

Mr. Ananth,Adv.

Mr. Balaji,Adv.

Mr. Wadhwa,Adv.

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

Permission to file intervention (I.A. No.76310/2020) is granted.

I.A. No.76316/2020 (Application for intervention) is allowed.

We have heard the learned counsel for the parties at some length.

We have directed them to place on record the information relating to Agreement entered into with respect to using of spectrum by the respective parties. In the case of RCOM, its spectrum of 800 MAZ is being used by Reliance Jio from 2016.

Let the agreement entered into between the parties be placed on record.

Similar direction is issued to other companies which are under insolvency, including Aircel Limited, Aircel Cellular Limited and Dishnet Wireless Limited and Videocon Telecommunications Ltd. to specify who is using the spectrum an arrangement along with documents be placed on record.

Every detail of proceeding should be made clear by the CoC and the Resolution Professional as well as by the counsel appearing

for the respective companies. Let affidavits be filed in this regard along with requisite documents, orders/proceedings of NCLT/NCLAT and offers/plan by Resolution Professional/CoC submitted before the NCLT be also placed on record and what is the proposal regarding sale of the assets and who is the proposed purchaser be also clearly culled out in the affidavit supported by the documents.

The Department of Telecommunications (DoT) to make it clear in whose name and from which date the spectrum is being used and how much fees/dues of AGR year-wise and amount deposited with it for using of the same by the respective companies under some inter se arrangements of the companies and the dates thereof. Let DoT file an affidavit with respect to its stand reflected in the order passed by this Court on 20.02.2019. Let DoT also file the requisite documents in this regard supported by an affidavit of Secretary of the Department of Telecommunication.

List on 17.08.2020 at 3.00 P.M.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
ASSISTANT REGISTRAR