

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 NAZEER
HON'BLE MR. JUSTICE M.R. SHAH

By Courts Motion

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Ms. Saloni Mahajan, Adv.
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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