

ITEM NO.1501 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

M.A. (D) No. 9887 OF 2020 IN CIVIL APPEAL NOS.6328-6399 OF 2015

UNION OF INDIA

Petitioner(s)

VERSUS

ASSOCIATION OF UNIFIED TELECOM SERVICE
PROVIDERS OF INDIA ETC. ETC.

Respondent(s)

FOR MODIFICATION ON IA 45207/2020 IA No. 45207/2020 - MODIFICATION)

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)

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

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

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

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

W.P.(C) No. 238/2020 (PIL-W)
(FOR 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)

SMC(C) No. 1/2020 (XVII)
(FOR ADMISSION)

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)

MA 1464/2020 (XVII)
(FOR ADMISSION and IA No.77914/2020-EXEMPTION FROM FILING AFFIDAVIT
and IA No.77913/2020-APPEAL AGAINST REGISTRARS ORDER XV RULE 5)

Date : 01-09-2020 These matters were called on for hearing today.

For the parties Mr. Sriram P., AOR

Mr. Manjul Bajpai, Adv.
Mr. Nitin Kala, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Kunal Singh, Adv.

Ms. Anupama Ng., Adv.
Mr. Karun Sharma, Adv.

Mr. Harsh Kaushik, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. E. C. Agrawala, AOR

Mr. Faisal Sherwani , AOR
Mr. Gurpreet Singh Kahlon, Adv.

By Courts Motion, AOR

Mr. Gurmeet Singh Makker, AOR

Mr. Harsh Kaushik, AOR
Ms. Nikita Chitale, Adv.
Mr. Atul Menon, Adv.

Mr. Swetank Shantanu, AOR

Ms. Vibha Dhawan, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Alvia Ahmed, Adv.
Mr. Akshat Jain, Adv.
Ms. Anupama Ng., Adv.
Mr. Karun Sharma, Adv.

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

Mr. S.S. Shroff, AOR

Mr. Sameer Abhyankar, AOR

Mr. Harish N. Salve, Sr. Adv.
Mr. K.V. vishwanathan, Sr. Adv.
Mr. K. R. Sasiprabhu, AOR
Mr. Raghav Shankar, Adv.
Mr. Bhavuk Agarwal, Adv.
Mr. Vishnu Sharma, Adv.
Mr. Tushar Bhardwaj, Adv.

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

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

Mr. Shashwat Goel, Adv.

The Hon'ble Court pronounced the judgment of the Bench consisting of Hon'ble Mr. Justice Arun Mishra, Hon'ble Mr. Justice S. Abdul Nazeer and Hon'ble Mr. Justice M.R. Shah.

The operative part of the judgment reads as under :-

"38. Resultantly, we issue following directions:

(i) That for the demand raised by the Department of Telecom in respect of the AGR dues based on the judgment of this Court, there shall not be any dispute raised by any of the Telecom Operators and that there shall not be any re-assessment.

(ii) That, at the first instance, the respective Telecom Operators shall make the payment of 10% of the total dues as demanded by DoT by 31.3.2021.

(iii) TSPs. have to make payment in yearly instalments commencing from 1.4.2021 up to 31.3.2031 payable by 31st March of every succeeding financial year.

(iv) Various companies through Managing Director/Chairman or other authorised officer, to furnish an undertaking within four weeks, to make payment of arrears as per the order.

(v) The existing bank guarantees that have been submitted regarding the spectrum shall be kept alive by TSPs. until the payment is made.

(vi) In the event of any default in making payment of annual instalments, interest would become payable as per the agreement along with penalty and interest on penalty automatically without reference to Court. Besides, it would be punishable for contempt of Court.

(vii) Let compliance of order be reported by all TSPs. and DoT every year by 7th April of each succeeding year.

In the *Suo Motu* Contempt Petition, in view of the reply filed and compliance reported, and an unconditional apology tendered, which we accept, we discharge notice issued to Shri Mandar Deshpande and drop the proceedings.

Before parting with the proceedings, we place on record our appreciation for the fair and able assistance provided by Shri Tushar Mehta, Solicitor General, and the respective senior counsel appearing on behalf of respective parties.

Accordingly, the pending interlocutory applications are disposed of in terms of the aforesaid order/directions.

All the previous orders stand modified accordingly."

Writ Petition No.238/2020

In view of the decision rendered today in M.A. [D] No.9887 of 2020 in C.A. Nos.6328-6399 of 2015 (*Union of India v. Association of Unified Telecom Service Providers of India etc. etc.*), nothing further survives in the matter. As we have extended the time by a separate order passed in the aforesaid matter/s, the prayers made in this petition cannot be entertained. Accordingly, the petition stands disposed of in terms of the signed order.

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER

(Signed reportable judgment and the signed order are placed on the file)