

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 89 OF 2012

JUSTICE A.G. QURESHI (RETD)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for amendment of memo of parties and office report)

Date: 23/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Ranjan Kumar Pandey, Adv.

For Respondent(s)

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

In this petition filed under Article 32 of the Constitution, the petitioner has made the following substantive prayers:

"(i) to call for the records with respect to allotment of Spectrum to private telecoms operators since 2003-2007 and in particular additional spectrum without any recommendations, criteria/guidelines or policy or any fee;

(ii) to direct the CBI/CBI or any other investigating agency to initiate investigation into the illegal grant of UASLs during the period of 2003 to 2007 and Dual Technology permissions by the Department of Telecom in 2008 and further to investigate the criminal conspiracy between the private telecom beneficiaries including the promoters of such companies and the government officials involving the allocation of spectrum;

(iii) to issue directions to the CAG to investigate the loss to the national exchequer on account of allocation of spectrum from 2003 to 2007 and recover the same from the persons/companies responsible for causing the loss;

(iv) to pass necessary orders and directions thereby cancelling/quashing the issuance of 51 UASL Licences issued between 2003-2007;

(v) to order for cancellation of excess spectrum allocated beyond the contracted quantity of 4.4 MHz (GSM)/2.5 MHz (CDMA);

(vi) to order for the cancellation of direct allocation of 4.4 MHz (GSM)/2.5 MHz (CDMA) spectrum;

(vii) to pass order for cancellation of licenses of the companies who obtained UASL between 2003 to 2007 which were "ineligible" on the date of application;

(viii) to pass order for cancellation of licenses of the companies who obtained UASLs between 2003 to 2007 in violation of the mandatory provisions of law and policy;

(ix) to pass order for CBI inquiry into the grant of FIPB clearance to telecom companies and for cancellation of license of companies which violated the FDI policy in particular Vodafone;

(x) to pass order for cancellation of license of companies issued UASLs between 2003 to 2007 which failed to comply with LOI conditions within 15 days & were given condonation of delay in compliance of LOI;

(xi) to appoint an Amicus Curiae for effectively conducting the proceedings of the instant case."

After making submissions for a while, learned counsel for the petitioner made a request that his client may be permitted to withdraw the petition with liberty to file an application for impleadment/intervention in other pending matters.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master