

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

SECTION XVI-A  
LISTED ON: 21.07.2015.  
COURT No. :  
ITEM No. :

TRANSFERRED CASE (C) NOS. 43, 64 & 65 OF 2015  
(@TP(C) 363, 353 AND 356 OF 2015)

RELIANCE TELECOM LTD. & ANR. Etc.

...Petitioners

VERSUS

UNION OF INDIA & ANR.

....Respondents

OFFICE REPORT

The Transferred Cases above mentioned were listed before the Hon'ble Court on 14<sup>th</sup> May, 2015 when the Court was pleased to pass the following Order:

"Hearing resumed. Apart from arguing on merits, learned counsel for the parties have addressed their claim with regard to the notice inviting applications dated 09.01.2015. They have undertaken to file written notes and submissions by the next date.

In course of hearing certain aspects have been highlighted which, we think, the competent authority of Union of India should put by way of an affidavit so that while deciding finally, this Court may take into consideration for issuing appropriate directions or molding the relief. The affidavit shall cover the following :

(a) After completion of the present auction, what is the quantum of spectrum available with the Union of India?

(b) What is the possibility of getting the non-vacating spectrum from the defence band and within what time?

(c) Whether an auction can be held in respect of the available spectrum, regard being had to what has been stated in (a) and (b) above?

(d) Whether in the auction that is going to be held, the concept of capping would still remain and, if so, what would its formula and how it would be interpreted and applied? While calculating the cap, if that exercise is undertaken, whether the commercially available spectrum should be included in the computation of such caps?

Cont..2/-

(e) The successful bidders who have got less than five and in case they fail in the next auction, how they can deal with the spectrum? To elaborate, though they can surrender or trade any spectrum or share the same as per guidelines, do they have a choice to hold it or the Union of India would take steps in that regard as per law.

Needless to emphasise, it is open to the Union of India to consult the Telecom Regulatory Authority of India as regards this aspect.

The affidavit shall be filed in the first week of July 2015.

Let the matter be listed on 21.07.2015."

It is submitted that Mr. D.S. Mehrar, Advocate has on 16<sup>th</sup> July, 2015 filed Affidavit on behalf of Union of India with permission of Hon'ble Court after serving its copy on other side. Copy of the same is being circulated herewith for kind perusal of the Hon'ble Court.

Service of notice is complete in all the matters.

The matters are listed before the Hon'ble Court with this Office Report.

Dated this the 16<sup>th</sup> day of July, 2015.

ASSISTANT REGISTRAR

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