

ITEM NO.18

COURT NO.5

SECTION XVIA

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

Transfer Case (Civil) No(s). 43/2015

RELIANCE TELECOM LTD & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH

T.C.(C) No. 64/2015

T.C.(C) No. 65/2015

Date : 14/05/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Ranjit Singh, SG
Mr. P.S. Narsimha, ASG
Mr. Ajay Sharma, Adv.
Ms. Binu Tamta, Adv.
Mr. Dhruv Tamta, Adv.
Mr. K. Parameshwar, Adv.
Mr. Ritin RaY, Adv.
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For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
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Mr. Abhay Chattopadhyay, Adv.
Ms. Chinmayee Chandra, Adv.
Ms. Stephnie V. Sonawane, Adv.
Ms. Nidhi Ram, Adv.
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Mr. Chaitanya Anand, Adv.
Ms. Stephanie Sonawane, Adv.
Mr. E.C. Agrawala, Adv.

Ms. Manjul Bajpai, Adv.
Mr. Shashwat Bajpai, Adv.

Mr. Tarun Gulati, Adv.
Mr. Manjul Bajpai, Adv.
Mr. Sparsh Bhargava, Adv.
Mr. Kishore Kunal, Adv.
Mr. Shashi Mathews, Adv.
Mr. Anupam Mishra, Adv.

TRAI

Mr. Mohit Paul, Adv.
Mr. Amit Bansal, Adv.

Mr. Masoom Ali Shaket, Adv.
Mr. Nitin Kala, Adv.
Mr. Pukhrambam Ramashikumar, Adv.
Ms. Vibha Dhawan, Adv.

Mr. L. Nageshwara Rao, Adv.
Mr. K.R. Sasiprabha, Adv.
Mr. Raghav Shankar, Adv.
Mr. Vishnu Sharma, Adv.

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

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?
- (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.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master