

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO(S) 1667-1738 OF 2020  
IN  
MISCELLANEOUS APPLICATION NO(S) 725-796 OF 2020  
IN  
CIVIL APPEAL NOS. 6328-6399 OF 2015

UNION OF INDIA THROUGH SECRETARY

...APPELLANT (S)

VERSUS

ASSOCIATION OF UNIFIED TELECOM SERVICE  
PROVIDERS OF INDIA AND ORS.

...RESPONDENT(S)/  
APPLICANT(S)

O R D E R

We have heard learned counsel for the parties.

In paragraph '23' of the Judgment in Union of India v. Association of Unified Telecom Service Providers of India Etc.Etc. - M.A.(D)No.9887 of 2020 in Civil Appeal No(s).6328-6399 of 2015, this Court has held as under :

"23. We consider it appropriate that the aforesaid various questions should first be considered by the NCLT. Let the NCLT consider the aforesaid aspect and pass a reasoned order after hearing all the parties. We make it clear that it being a jurisdictional question, it requires to be

gone into at this stage itself. Let the question be decided within the outer limits of two months. We also make it clear that we have observed on the merit of the case, and we have kept all the questions open to be examined by the NCLT.”

The various questions which are to be decided by the National Company Law Tribunal (NCLT) are enumerated in paragraphs '18' to '22' of the said judgment.

Learned senior counsel, M/s. Ranjit Kumar along with Ravi Kadam, appearing for the applicants - Monitoring Committees of Aircel Ltd., Aircel Cellular Ltd. and Dishnet Wireless Ltd. (Respondent NO.9-Aircel Entities) submit that the Resolution Proceedings of the applicants has been approved by the NCLT under Section 31 of the Insolvency and Bankruptcy Code, 2016 and that an appeal has already been filed against the Approval Order of the NCLT by the Department of Telecommunications (DoT) before the National Company Law Appellate Tribunal (NCLAT). Therefore, the proceedings in the case of the applicants pertaining to the Approval Order are at large and pending consideration before the NCLAT and not the NCLT. It is further submitted by learned senior counsel

that the NCLAT may be directed to decide the questions framed by this Court in the case of the applicants.

Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, has no objection for the same.

In view of above, we direct the NCLAT to first consider the various questions framed in paragraphs '18' to '22' of the Judgment, mentioned above, and pass a reasoned order in accordance with paragraph '23' thereof.

With the above clarification, the Misc. applications are disposed of.

.....J.  
(S. ABDUL NAZEER)

..... J  
(B.R. GAVAI)

NEW DELHI  
SEPTEMBER 25, 2020

ITEM NO.12                      Court 7 (Video Conferencing)                      SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No(s).1667-1738 of 2020 in M.A. Nos. 725-796 of 2020 in C.A. Nos. 6328-6399/2015

UNION OF INDIA THROUGH SECRETARY                      Petitioner(s)

VERSUS

ASSOCIATION OF UNIFIED TELECOM SERVICE PROVIDERS OF INDIA AND ORS  
Respondent(s)

(FOR ADMISSION and IA No.89613/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.89610/2020-CLARIFICATION/DIRECTION )

Date : 25-09-2020 These Applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)	Mr. Tushar Mehta, SG Mr. Gurmeet Singh Makker, AOR Ms. Binu Tamta, Adv. Mr. Rajat Nair, Adv. Ms. Swati Ghildiyal, Adv. Mr. Kanu Agrawal, Adv.
For Intervenor	Mr. Sanjay Kapur, Adv. Ms. Megha Karnwal, Adv. Mr. V.M. Kannan, Adv. Mr. Sambit Panja, Adv. Mr. Harshal Narayan, Adv.
For Respondent(s)	Mr. Harsh Kaushik, AOR Mr. Vijayendra Pratap singh, Adv. Mr. Nikita Chitale, Adv. Mr. Atul Menon, Adv.  Mr. Swetank Shantanu, AOR Mr. Ravi S. Chauhan, Adv. Mr. Pratap Shanker, Adv. Mr. Ankit Kumar, Adv.

Mr. Ranjit Kumar, Sr. Adv.  
 Mr. Ravi Kadam, Sr. Adv.  
 Mr. Anoop Rawat, Adv.  
 Mr. Anuj Berry, Adv.  
 Mr. Chaitanaya Safaya, Adv.  
 Mr. Rishabh Sharma, Adv.  
 Mr. Saurav Panda, Adv.  
 Ms. Salonee Kulkarni, Adv.  
 Ms. Ankita Mandal, Adv.  
 Mr. S. S. Shroff, AOR

Mr. Pukhrambam Ramesh Kumar, AOR  
 Mr. Akshat Jain, Adv.  
 Mr. Alvia Ahmed, Adv.  
 Mr. Karun Sharma, Adv.

Mr. E. C. Agrawala, AOR

Ms. Manali Singhal, adv.  
 Mr. Mansoor Ali Shoket, Adv.  
 Mr. Santosh Sachin, Adv.  
 Mr. Deepak S. Rawat, Adv.  
 Ms. Aanchal Kapoor, Adv.  
 Mr. Nitin kala, Adv.  
 Mr. Kunal Singh, Adv.  
 Ms. Ranjeeta Rohatgi, AOR

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

Mr. Sameer Abhyankar, AOR

Mr. H.N. Salve, Sr. Adv.  
 Mr. K. R. Sasiprabhu, AOR  
 Mr. Raghav Shankar, Adv.  
 Mr. Bhavuk Agarwal, adv.  
 Mr. Vishnu Sharma, Adv.  
 Mr. Tushar Bhardwaj, Adv.

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

Misc. applications are disposed of in terms of the signed  
 order.

Pending application, if any, also stand disposed of.

(NEELAM GULATI)  
 ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
 COURT MASTER (NSH)

(Signed order is placed on the file)