

TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI

Dated 18 March, 2016

Telecommunication Petition No. 49 of 2015

The Official Liquidator, High Court Bombay
Provisional Liquidator of
M/s Etisalat DB Telecom Pvt. Ltd. ... Petitioner
Vs.
Union of India & Anr. ... Respondents

BEFORE:

HON'BLE MR. JUSTICE AFTAB ALAM, CHAIRPERSON
HON'BLE DR. KULDIP SINGH, MEMBER
HON'BLE MR. BIPIN BIHARI SRIVASTAVA, MEMBER

For Petitioner : Mr. Tarun Dua, Advocate
Mr. Mayank Grover, Advocate
Ms. Avantika, Advocate

For Respondent No.1(UOI) : Mr. Abhay Prakash Sahay, Advocate
Ms. Somya Rathore, Advocate
Mr. Dhruv Tamta, Advocate
Mr. Piyush Beriwal, Advocate

For Respondent No.2(TRAI) : Mr. Rishad A. Chowdhury, Advocate
Mr. Himanshu Bhusan, Advocate

ORDER

By Aftab Alam, Chairperson – The petitioner in this case seeks refund of entry fee/licence fee paid on its behalf for licences in 15 circles that were quashed as being illegally granted to the petitioner by the Supreme Court judgement in 2G case¹.

The reliefs claimed by the petitioner are reproduced hereunder:

- (a) Refund to the Petitioner the Licence/Entry Fee of Rs.1564,46,30,000/- (Rupees one thousand five hundred and sixty four crores forty six lakhs thirty thousand only) paid by the Petitioner to the Respondent No.1 at the time of execution of the Licence Agreements in respect of 15 telecom circles; and
- (b) Pay to the Petitioner interest on Entry Fee of Rs.1564,46,30,000/- (Rupees one thousand five hundred and sixty four crores forty six lakhs thirty thousand only) paid by the Petitioner to the Respondent No.1 at the time of execution of the Licence Agreements in respect of 15 telecom circles at the rate of 18% p.a. from the date of disbursal of the said amounts by the Petitioner to the Respondent No.1 aggregating to Rs.1963,62,90,000/- upto 31st December 2014 along with further interest @18% per annum from 1st January 2015 till the date of actual payment; and
- (c) Pay to the Petitioner Rs.268,01,00,000/- (Rupees Two Hundred Sixty Eight Crore One Lakh only) by way of damages for loss of interest at 18% on the Margin Money deposited/maintained by the Petitioner Company with its banks for issuance of Bank Guarantees in favour of the Respondent No.1 for the period from January 2008 till 31st December 2014 along with further interest thereon @ 18% per annum from 1st January 2015 till the date of actual payment; and

¹ (2012) 3 SCC 1

- (d) Pay to the Petitioner a sum of Rs.5173,08,30,000/- (Rupees Five thousand one hundred seventy three crore eight lakh thirty thousand only) by way of damages for loss of the capital and revenue expenditure incurred by the Petitioner towards commencement and operation of its telecom business and
- (e) Payment to the Petitioner Rs.4651,82,50,000/- (Rupees Four Thousand Six Hundred Fifty One Crores Eighty Two Lakhs only) by way of damages for loss of interest at the rate of 18% on the capital and revenue expenditure incurred by the Petitioner towards commencement and operation of its telecom business along with further interest thereon @ 18% per annum from 1st January 2015 till the date of actual payment;"

The reliefs claimed and the facts and circumstances in which those are claimed by the petitioner, are fully covered by the Tribunal's decision in the case of Loop Telecom².

This petition too is accordingly dismissed for the same reasons and in the same terms as the case of Loop Telecom.



(Signature)
 ✓ (Aftab Alam)
 Chairperson

.....
 (Kuldip Singh)
 Member

.....
 (B.B. Srivastava)
 Member

sks

² TDSAT's judgement and order dated 16.09.2015 in Loop Telecom Ltd. Vs. Union of India & Anr.