

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 733 of 2020

IN THE MATTER OF:

Union of India

...Appellant

Versus

Shri Vijaykumar V. Iyer & Anr.

...Respondents

Present:

For Appellant: Mr. Amit Mahajan and Mr. Gitesh Chopra, Advocates.

For Respondents: Mr. Ravi Kadam, Sr. Advocate with Mr. Vaijayant Paliwal, Ms. Salonee Kulkarni and Mr. Saurav Panda, Advocates for R-1.

Mr. Dhruv Dewan and Ms. Harshita Choubey, Advocates for R-2.

Mr. Sumesh Dhawan, Advocate.

ORDER
(Through Virtual Mode)

11.09.2020: I.A. No. 2155 of 2020 has been filed by the Appellant seeking permission for amendment of the appeal. Learned counsel for the Appellant shall provide copies thereof to learned counsels for the Respondents within five days.

At this stage, Shri Ravi Kadam, Sr. Advocate representing Respondent No. 1 submits that in terms of paragraph 23 of the judgment rendered by Hon'ble Apex Court in "***Union of India vs. Association of Unified Telecom Service Providers of India Etc.Etc.***" (***Civil Appeal Nos. 6328-6399 of 2015***), NCLT has been directed

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to consider various questions including the question whether spectrum is a natural resource which can be subjected to insolvency/liquidation proceedings and whether deferred/default payment instalment(s) of spectrum acquisition cost can be termed to be operational dues besides AGR dues. However, in view of the pendency of this appeal, the Hon'ble Apex Court has been approached with an application for clarification for determination of such questions by this Appellate Tribunal (NCLAT) instead of NCLT.

In view of the same, let this appeal be posted 'for admission (after notice)' on **1st October, 2020.**

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

**[Shreesha Merla]
Member (Technical)**

am/gc