

**GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF TELECOMMUNICATIONS**

**LOK SABHA  
UNSTARRED QUESTION NO. 1677  
TO BE ANSWERED ON 21<sup>ST</sup> SEPTEMBER, 2020**

**BANKRUPTCY AND PAYMENT OF AGR DUES**

1677. SHRI SUBBARAYAN K.:

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) whether the Reliance Communications Limited has filed for bankruptcy under the Insolvency and Bankruptcy Code;
- (b) if so, the details thereof;
- (c) the Adjusted Gross Revenue (AGR) dues owed by the said company at the time of declaring bankruptcy;
- (d) whether Jio Infocomm Limited was already using the aforesaid company's spectrum since 2016 and if so, the details thereof;
- (e) whether the Jio Infocomm Limited will be held liable to pay spectrum dues of Reliance Communication Limited; and
- (f) if so, the details thereof and the steps taken by the Government to recover the AGR dues from Jio Infocomm Limited?

ANSWER

**MINISTER OF STATE FOR COMMUNICATIONS, EDUCATION AND  
ELECTRONICS & INFORMATION TECHNOLOGY  
(SHRI SANJAY DHOTRE)**

- (a) & (b) Reliance Communications Limited (RCL) is currently undergoing Corporate Insolvency Resolution Process (CIRP) under the Insolvency & Bankruptcy Code (IBC), 2016, under Company Petition (C.P) no. 1386/1387 of 2017 in National Company Law Tribunal (NCLT), Mumbai Bench. The Hon'ble NCLT, Mumbai had issued order of moratorium under IBC, 2016.
- (c) In M.A. (D) No. 9887 of 2020 in Civil Appeal Nos 6328-6399 of 2015 and others, Hon'ble Supreme Court in its judgement dated 1.9.2020 has determined the AGR dues owed by M/s Reliance Communications Limited and M/s Reliance Telecom Limited (RCL/RTL) as Rs. 25199.27 crores.

(d) Spectrum sharing in 800 MHz band between M/s Reliance Jio Infocomm Limited (RJIL) and M/s RCL/RTL was taken on record in 2016 in 21 Licence Service Areas (LSAs) pursuant to the Department of Telecom's (DoT) Spectrum Sharing Guidelines.

(e) & (f) In M.A. (D) No. 9887 of 2020 in Civil Appeal Nos 6328-6399 of 2015 and others, Hon'ble Supreme Court in its judgement dated 1.9.2020, has held that in the present case, only part of the spectrum of the licensee has been shared with the case of some of TSPs, which has been approved by the DoT under the Sharing Guidelines, 2015, and there is no provision for the liability of the past dues on the shared operator. Even otherwise, the past dues of sharing operator/licensee covers AGR for the spectrum used by holder of licence. Certain TSPs such as Reliance came into existence later on, and as observed herein above, the liability of such operator of the AGR, would only be to the extent it has used the said spectrum. Shared operator TSPs cannot be saddled with the liability to pay the past dues of AGR of licensee, that have shared the spectrum with the original licensees.

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