

# There are other ways ahead, says Supreme Court advocate after fresh AGR development

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## Synopsis

"There is the possibility of moving the government because the invoice itself stated that this is subject to revisions, subject to audits, subject to reassessment, this is what the Department of Telecommunications itself submitted. So, there are recourses available, we will have to find and figure a way out," says Agarwal



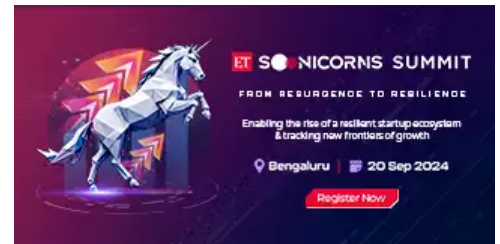
Talking to **ET Now**, [Supreme Court](#) advocate, [Mahesh Agarwal](#) explains the ramifications of the apex court rejecting pleas to correct "arithmetical errors" in their Adjusted Gross Revenue ([AGR](#)) dues. Edited excerpts:

**Could you break down the latest order for us? Is this indeed a big**

**setback for the telecom industry?**

This order was actually not expected but anyway we have to see the fine print. We have to see the reasoning given by the court because what we are seeking is a simple correction of errors, payments that have been made and not accounted for; those have to be corrected, there is no question of double payment of an invoice. So, if an invoice is raised that has already been paid that has to be adjusted. That is our simple prayer. We have to see the fine print, see what the order says and what is the reason for rejection, if there is some technical reason we will have to look for a different remedy.

**What could be the next legal course? Because this seems like a) it has already been such a long drawn battle, and b) it is a big overhang for a sector which is almost under the threat becoming a duopoly.**



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It is possible that the court has said the application was not maintainable and we should have filed a review. If that is the order then we can definitely file a review. There are recourses available and we will definitely examine that and the next steps.

There is the possibility of moving the government because the invoice itself stated that this is subject to revisions, subject to audits, subject to reassessment, this is what the [Department of Telecommunications](#) itself submitted. So, there are recourses available, we will have to find and figure a way out.

**Since this is such a long drawn out process and one company in particular is bleeding heavily, are there major fears?**

No, no, there is no such fear because in any case the Supreme Court has given instalments of 10 years. The next instalment is due on March 31, 2022 so there is sufficient time to take next steps.

**Take us through what could potentially happen next. We wait for the order and the fine print but then we go back to the Supreme Court to understand what exactly is going to happen next?**

That is correct. The first thing is to wait for the order. The court only announced that the applications were dismissed, no reasons were given. Reasons will be contained in the order. The reasoning will give us the path ahead.

**Last year, the Supreme Court had actually rapped the [DoT](#) for not following through with its order asking telecom companies to cough up. So, when you say that there are other routes available, what is the likelihood of them actually going through? Given the fact that the court has been extremely strict on following through of its orders with respect to the AGR case?**

The plea of all telecom companies was that the order is final, the order has to be followed. We are not seeking any reassessment, we are not seeking a review, whatever principles have been laid down they have to be followed. There is no

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question of not following the order, the only issue is with respect to quantification. In the quantification also we are not challenging the heads of quantification, what we are challenging are simple arithmetical errors, for example, if a payment has been done it has not been accounted for it has to be adjusted. Now it can be done in any kind of arithmetical correction, it is a simple correction, it is not some judicial matter where we are seeking a judicial review of the judgement. So the order has to be followed and there is no question of not following the order.

**There seems to be a mismatch in the amounts to be paid to the government, telcos say they've paid 10% as per their calculations, while the court said they need to pay according to the DoT's calculations. So will they have to pay up that balance figure?**

That is not correct, each of the telecom companies have paid 10% of the figures as assessed by DoT. So whatever is the figure assessed by DoT payment of 10% has been on that basis. There is no question of paying anything extra on account of this. In fact, more than that 10% has been paid.

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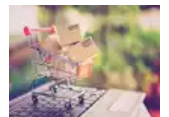
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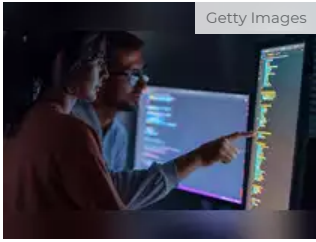
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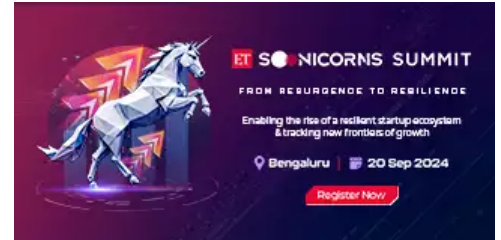


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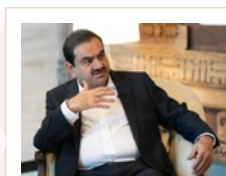
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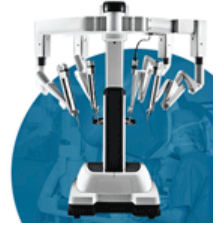
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