2026:MHC:107

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP Nos. 5308 to 5311 of 2013

Dishnet Wireless LimitedRep By Group General Counsel, 5th Floor, Spencer Plaza, No.769, Anna Salai, Chennai 2

..Petitioner(s)

Vs

1. The Union Of India, Rep By TheSecretary To Govt., Ministry Of Communications & It, Dept. Of Telecommunication, No.20 Ashoka Road, Sanchar Bhawan, New Delhi 110 001
2. The Prl. Controller OfCommunications Account, Tamilnadu Circle, Ministry Of Communications & It, Dept. Of Telecommunications, 238, Rk Mutt Road, Mandavalli, Chennai 28

..Respondent(s)

WP No. 5309 of 2013

Dishnet Wireless LimitedRep By Group General Counsel, 5th Floor, Spencer Plaza, No.769, Anna Salai, Chennai 2

..Petitioner(s)

Vs

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WP No. 5310 of 2013

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..Petitioner(s)

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..Respondent(s)

PETITION filed under Article 226 of the Constitution of India praying for the issuance of writ of Certiorari calling for the records comprised in the Provisional Order of Assessment of License Fee in respect of the ISP License bearing License No. 820-44/2002-LR dt 8.4.2002 for the year 2005-06 bearing Ref. No.LF 1/ISP (IT)/DWL/2009-10/Assmt/2011-12/ dated 24.10.2011 and the demand notices dated 17.10.2012 and 22.11.2012 as also the communications

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dated 28.12.2012 and 4.1.2013, issued by the respondent/Department of Telecommunications and quashing the same as wholly unreasonable, arbitrary, illegal and unconstitutional

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In all W.Ps.

For Petitioner(s): Mr.J.Sujith Aswanth
for Mr.Vishnu Mohan

For Respondent(s): Mr..J.Vasu

Order
(Order of the Court was made by Dr.Anita Sumanth J.)

The challenge in these Writ Petitions is to demand of licence fee in terms of definition of 'Adjusted Gross Revenue' under the licences. The petitioner is before the National Company Law Tribunal (NCLT) and was subjected to Corporate Insolvency Resolution Process. The Resolution plan was approved on 09.06.2020.

2. On 02.01.2026, the respondents were granted time to produce proof of claim having been made before the NCLT in respect of the impugned demands.

3. Today, Mr.Vasu, learned counsel for the respondents submits that there are no particulars available on record to indicate any claims having been made.

4. Per the judgment of the Supreme Court in *Ghanashyam Mishra And Sons Private Limited vs Edelweiss Asset Reconstruction Company Limited* ((2021) 9 SCC 657, once the Resolution Plan is finalised, it is only those claims that have been considered as part of the Resolution Plan that would be liable to be pursued and if a creditor has not put forth a claim prior to finalisation of

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Resolution Plan, then the same would lapse.

5. Recording the aforesaid, the impugned demands are set aside and these Writ Petitions are allowed. No costs.

(A.S.M.,J.) (M.S.K.,J.)
08-01-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SL

To

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