

The Supreme Court has clarified that auction is not the only method for allocation of natural resources. It has been clarified that its earlier ruling in February 2012 on the 2G spectrum case was limited to allocation of telecom spectrum only.

The opinion has been delivered by a five-judge bench, headed by chief justice SH Kapadia and consisting of justices DK Jain, JS Khehar, Dipak Misra and Ranjan Gogoi.

The clarification came after the government, in April 2012, had moved a presidential reference on Supreme Court's verdict in the 2G spectrum scam. The presidential reference had sought clarity regarding whether public auctions of natural resources is mandatory. Further, the Centre sought clarity on which resources needed to be auctioned and which ones could be allotted on a first-come-first-serve basis. Clarification to a total of eight questions was sought, including whether there could be judicial interference in policy matters, vis-a-vis disposal of natural resources and investments made by foreign investors under multi and bilateral agreements.

In February 2012, Supreme Court had cancelled 122 telecom licences and the constitution bench headed by justice G S Singhvi had held that all natural resources should be allocated through auction. According to the bench, auction was the best method for allocating natural resources like telecom spectrum because the policy of first-come-first-serve was flawed.

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