

UNCITRAL ARBITRATION

PCA CASE No. 2014-10

DEUTSCHE TELEKOM AG

CLAIMANT

V.

THE REPUBLIC OF INDIA

RESPONDENT

**DIRECT TESTIMONY OF A. VIJAY ANAND,
ADDITIONAL SECRETARY, DEPARTMENT OF SPACE,
GOVERNMENT OF INDIA**

WITNESS STATEMENT OF A. VIJAY ANAND

I, A. Vijay Anand, hereby declare as follows:

1. I am currently the Additional Secretary, Department of Space, a department within the Government of India.

2. I was a witness in the case *CC/Devas (Mauritius) Ltd. et al. v. The Republic of India*, which was initiated by the Mauritius shareholders of Devas Multimedia Private Limited (“Devas”) under the Mauritius-India bilateral investment treaty (“Mauritius Shareholders Arbitration”) and which involves the same subject matter as this Arbitration. Attached hereto are the witness statement that I submitted in the Mauritius Shareholders Arbitration¹ and the witness testimony that I gave at the hearing in that case, which took place in The Hague on 1-5 September 2014.² I reconfirm all of my testimony in the Mauritius Shareholders Arbitration.

3. In my witness statement in the Mauritius Shareholders Arbitration, I referred to a number of documents relating to the strategic needs of India with respect to S-band capacity, leading up to the decision of the Cabinet Committee on Security.³ Following that decision, steps were immediately taken to commence reconfiguration of the GSAT-6 satellite for military use. This can be seen in the attached March 2011

¹ **Annex 1**, *CC/Devas (Mauritius) Ltd., Devas Employees Mauritius Private Limited and Telcom Devas Mauritius Limited v. The Republic of India*, PCA Case No. 2013-09 (UNCITRAL), Direct Testimony of A. Vijay Anand, Joint Secretary, Department of Space, Government of India, 2 December 2013, with appendices.

² **Annex 2**, Testimony of A. Vijay Anand in *CC/Devas (Mauritius) Ltd., Devas Employees Mauritius Private Ltd. and Telcom Devas Mauritius Limited v. The Republic of India*, PCA Case No. 2013-09 (UNCITRAL), Hearing on Jurisdiction and Liability, 4 September 2014.

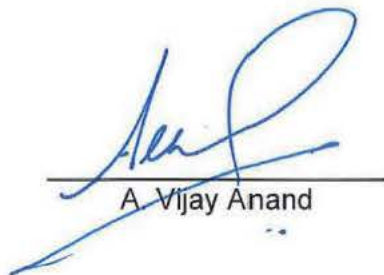
³ **Annex 1**, ¶¶ 3-7.

presentation prepared by the Department of Space for the Space Commission, which identifies strategic users and usages for the satellite.⁴

4. Since the decision of the Cabinet Committee on Security, the nation's strategic requirements for S-band capacity have only increased.⁵ GSAT-6 is now scheduled to be launched in the first semester of this year, dedicated to the needs of the military and Coast Guard. As I testified in the Mauritius Shareholders Arbitration, the decision of the Cabinet Committee on Security remains in effect, and the spectrum that was to be utilised for the Devas Contract has not been sold, leased or otherwise promised to any third party for commercial purposes.

I affirm that the facts stated in this witness statement are true and correct to the best of my knowledge.

Dated: 12 February 2015



A. Vijay Anand

⁴ **Annex 3**, ISRO/Department of Space, *GSAT-6, Spacecraft Applications, 119th SC Meeting (Report to Agenda Item No. 8)*, March 2011.

⁵ **Annex 4**, Department of Space, *Report of INSAT Coordination Committee (ICC) Sub-Committee on S-band Utilization Plan*, 10 July 2013.