



भारतीय दूरसंचार विनियामक प्राधिकरण  
TELECOM REGULATORY AUTHORITY OF INDIA  
भारत सरकार /Government of India



New Delhi, Dated: 03.04.2019

**DIRECTION**

Subject: **Direction under section 13, read with section 11 (2), of the Telecom Regulatory Authority of India Act, 1997 to all Access Service Providers regarding segmented offers.**

**F. No. 314-7/2018-F&EA-** Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the TRAI Act, 1997), has been entrusted with discharge of certain functions, which, *inter-alia*, includes duty to regulate telecommunication services; notify the rates at which the telecommunication services within India and outside India shall be provided;

2. And whereas clause 10 of the Telecommunication Tariff Order, 1999 (hereinafter referred to as TTO, 1999) provides that no service provider shall, in any manner, discriminate between subscribers of the same class and such classification of subscribers shall not be arbitrary; provided that different tariffs in the nature of Vertical Price Squeeze shall be a case of discriminatory tariff;

3. And whereas the Authority, while adopting the forbearance regime in tariff, has made it mandatory for all the service providers to file their tariffs with TRAI within seven working days from the date of implementation of the said tariff;

4. And whereas the Authority in exercise of the powers conferred upon it under sub-section (2) of section 11, read with sub-clause (i) of sub-section (1) of the said section of TRAI Act, 1997, notified the Telecommunication Tariff (sixty third Amendment) Order, 2018 (hereinafter referred to as TTO, 2018);

5. And whereas various service providers challenged the TTO,2018 before Ld. TDSAT and the same was set aside vide its judgment dated 13.12.2018, in so far as it changed the concept of SMP, non-predation and other related provisions;

6. And whereas the Hon'ble TDSAT vide its order dated 13<sup>th</sup> December, 2018, *inter-alia*, held that:

“ 19.-----  
-----Instead of insisting on reporting of all segmented offers/discounts not falling within the cap of 25, it may call for details of any segmented offer about which it may receive complaints with a view to find out whether it is only a segmented offer or a tariff plan having all necessary ingredients and paraphernalia as discussed earlier. It can also examine whether, even as a segmented offer for existing customers, it is non- discriminatory or otherwise. In order to make this task easier, the TSPs may be called upon, until further policy or decision, continuously, on a monthly basis to inform the Authority the number of segmented offers to the existing customers along with a declaration that the benefits of such segmented offer made only have been made available to all the existing customers falling in the particular segment/class and the principle of non- discrimination has been strictly followed. -----”.

7. And whereas the order dated 13.12.2018 was challenged before the Hon'ble Supreme Court in CA No. 250-252 of 2019 and the Hon'ble Supreme Court of India vide its order dated 21.01.2019 held that there will be no stay on the impugned judgment except to the extent of remand;





8. Now , therefore, the Authority, in exercise of powers conferred upon it under section 13 read with section 11(2) of TRAI Act, 1997 and the provisions of the TTO, 1999 and in compliance with order dated 13.12.2018 passed by the Hon'ble TDSAT , hereby directs all the Access Service Providers to provide, within fifteen days of the date of issue of this direction, on a monthly basis, for each LSA, the details of segmented offer, from April, 2018 till March, 2019 in the enclosed format, including--

- (i) details of rates and related terms & conditions, quantum of services, name of the tariff plan and validity period of subscription & benefits available to the subscriber (s) in the said plan in which segmented offer has been given;
- (ii) number of subscribers, at the end of each month, who have availed the segmented offer within each tariff plan;
- (iii) the declaration that the benefits of such segmented offers have been made available to all the existing customers falling in the segment/class and the principle of non-discrimination has been strictly followed;

Thereafter for each month from April, 2019 above mentioned details of segmented offer may be submitted to TRAI within ten working days from the last day of the month.



(S. K. Mishra)  
Pr. Advisor (F&EA)

To

All Telecom Access Providers

**Details of "Segmented" offer**

Name of LSA: \_\_\_\_\_

Month: \_\_\_\_\_

Sr. No.	Details of rates and related terms & conditions, quantum of services, name of the tariff plan and validity period of subscription & benefits available to the subscriber (s) in the said plan in which segmented offer has been given.	No. of segmented offer to the existing subscribers under the respective tariff plan at the end of the month.
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