



सत्यमेव जयते

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



DIRECTION

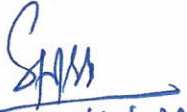
Date: 10th June 2019

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), to facilitate refund of unspent balance of pre-paid mobile subscribers and security deposit of the post paid subscribers pursuant to surrender of administratively allocated spectrum in 800 MHz band and closure of services under the CDMA Technology in the service areas, of Gujarat, Kolkata, Karnataka, Tamil Nadu, Kerala, Punjab, Uttar Pradesh (West), Uttar Pradesh (East), Rajasthan, Madhya Pradesh, West Bengal, Himachal Pradesh, Bihar and Orissa –by M/s Tata Teleservices Limited.

No.116-1/2019-NSL-II 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 "TRAI Act 1997"), has been entrusted with discharge of certain functions, *inter-alia*, to ensure compliance of terms and conditions of licence; regulate the telecommunication services; protect the interests of service providers and consumers of the telecom sector;

2. And whereas the Authority, in exercise of the powers conferred upon it by section 36, read with sub-clauses(i), (iii) and (v) of clause (b) of sub-section (1) of section 11, of TRAI Act,1997, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as "regulations");

3. And whereas M/s Tata Teleservices Limited (hereinafter referred to as M/s TTSL), vide its letter dated 31st October, 2018, informed that it has decided to and surrendered, with immediate effect the administratively allocated spectrum held by it in various circles in 800 MHz bands and, that it has already informed the Licensor, the Department of Telecommunications (DoT), vide its letters dated 22nd October,2018, regarding surrender of 3.75 MHz of administratively allocated spectrum in 800 MHz band in Delhi licensed service area and 2.50 MHz of administratively allocated spectrum in 800 MHz band in fifteen licensed service areas namely, Haryana, Gujarat, Kolkata, Karnataka, Tamil Nadu, Kerala, Punjab, Uttar Pradesh (West), Uttar Pradesh (East), Rajasthan, Madhya Pradesh, West Bengal, Himachal Pradesh, Bihar and Orissa with immediate effect;


10.6.2019

4. And whereas vide its letter referred in above para, M/s TTSL, has further informed that as a consequence of the surrender of administratively allocated spectrum in 800 MHz with immediate effect, it will not be in a position to provide services under the CDMA technology in the service areas, namely, Gujarat, Kolkata, Karnataka, Tamil Nadu, Kerala, Punjab, Uttar Pradesh (West), Uttar Pradesh (East), Rajasthan, Madhya Pradesh, West Bengal, Himachal Pradesh, Bihar and Orissa;


5. And whereas the Authority, vide letter No.103-4/2018-NSL-II dated 4th December, 2018, sought clarifications on certain issues relating to surrender of administratively allocated spectrum in 800 MHz bands by M/s TTSL and also directed M/s TTSL to furnish, in prescribed format, -

- a) LSA wise subscriber details along with number of pre-paid and post-paid mobile subscribers; and
- b) Subscriber wise information of unspent balance amount;

6. And whereas M/s TTSL, vide their reply dated 14th December, 2018, furnished the afore-said information and clarified that they have auction acquired spectrum in Delhi, Haryana, Andhra Pradesh, Maharashtra and Mumbai circles, which is not being surrendered and hence their CDMA services are working in these circles;

7. And whereas the Authority, vide its email dated 26th April, 2019 requested M/s TTSL to provide the latest development which took place after 14th December 2018, and in response to the said e-mail of the Authority, M/s TTSL vide its e-mail dated 6th May, 2019, informed that DoT, vide letter dated 18th February, 2019 has accepted their request for surrender of administratively allocated spectrum in 800 MHz in 16 LSAs, namely KOL, GUJ, KTK, TN, KRL, PB, HAR, UP(E), UP(W), RJ, BH, MP, WB, HP, OR (2.5MHz each) and Delhi (3.75MHz) and also sought confirmation of actual dismantling of equipment & non utilization of frequency on or before 28th February, 2019, which was confirmed by M/s TTSL vide letter dated 27th February, 2019 to DoT;

8. And whereas pursuant to the discontinuation of services in the licensed services areas, referred to in para 3 and its acceptance by the licensor as per para 7 above, by M/s TTSL, large number of subscribers, both pre-paid and post-paid, may have been inconvenienced and forced to port out their mobile numbers to other service providers or they would not be able to use the services beyond the sunset date as declared by M/s TTSL;


10.6.2019

9. And whereas under normal circumstances, the balance prepaid amount would have been utilized by the prepaid subscribers before deciding to port out their mobile number, however, premature surrender of spectrum has forced a significant number of CDMA mobile subscribers of M/s TTSL to either port out or lose their mobile numbers and leave behind their unspent prepaid balance amount in the form of recharge coupon/ plans and security deposit with M/s TTSL;

10. And whereas sub regulation (2) of regulation 14 of the regulations provides that upon disconnection of a mobile number, the Donor Operator shall refund to the subscriber, within such time frame and in such manner as specified in the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) as may be amended from time to time, all amounts due to such subscriber on account of refundable payments or deposits made by such subscriber to the Donor Operator;


11. And whereas the Authority is of the view that in the light of the abnormal circumstances, M/s TTSL should process refund of the unspent prepaid balance amount left in the form of recharge coupon or vouchers/ plans of the mobile numbers ported out and also the unspent balance in the account of the subscribers of prepaid mobile numbers who could not port out their mobile number and they would not be able to use the services beyond the sunset date i.e. 28th February, 2019, as declared by M/s TTSL;

12. And whereas regulation 18 of the regulations, *inter-alia*, provides that the Authority may, from time to time, issue such directions as it may deem fit to the service providers on any aspect of Mobile Number Portability for which provisions have been made in the regulations;

13. Now, therefore, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section (11) of TRAI Act, 1997 (24 of 1997) and regulation 18 of the Mobile Number Portability Regulations, 2009 (8 of 2009), the Authority, in order to protect the interest of the telecom subscribers, hereby directs –

(A) M/s Tata Teleservices Limited to: –

- (i) process, in case of post-paid mobile subscribers the refund of the security deposits of all the post-paid subscribers and submit to the Authority the licensed service area wise compliance by 20th August, 2019, mentioning the number of subscribers whose security deposit have been successfully refunded and number of subscribers along with details of the amount of security deposits unclaimed/ undelivered;


10.6.2019

- (ii) prepare a password protected list of all the pre-paid subscribers ported out during the period from the 27th December, 2017 to 28th February, 2019, recipient operator wise indicating against each subscriber the unspent balance in their account at the time of porting and transfer such unspent amount to the recipient operator alongwith the list and the password and furnish to the Authority the details of refund made as per the schedule below:-

| LSA | List of MSISDN (Mobile number) ported month-wise during | Compliance to be submitted to the Authority by date |
|-----|--|---|
| | 27 th December 2017 to 28 th February 2019 | 20 th August, 2019 |

- (iii) process refund to the prepaid mobile subscribers who have not been able to port out by 28th February, 2019, as per the procedure below: -

- (a) issue Public Notice, within three days of issue of this Direction, on the main page of its website and in at least two daily newspapers, registered with Registrar of Newspapers for India, Govt. of India in all the licensed services areas as mentioned in para 3 above, out of which one of the newspapers is circulated nationally (in Hindi or English language) and another newspaper should be in regional language having the following text:-

"Dear M/s Tata Teleservices Limited CDMA mobile subscriber (name of the - license service area/ license service areas-),

This is with reference to recent discontinuation of CDMA services. As per TRAI direction, in case you have not been able to port your mobile number, you can claim refund of your unspent prepaid balance electronically to your bank account by submitting the information as mentioned in the table below:

| | |
|--|---------------------|
| Subscriber's name | |
| Subscriber's postal address | |
| Subscriber's mobile number (the number against which the refund is sought from TTSL) | |
| Subscriber's alternate mobile number for communication | |
| Subscriber's email address | |
| Subscriber's Bank account number | |
| IFS Code, Bank name and Branch | |
| Copy of Proof of Identity (PoI) (to be attached) | ID name with number |
| Copy of Proof of Address (PoA) (to be attached) | ID name with number |


The above information can be submitted to us through any of the modes mentioned below and you will be provided acknowledgement number for future reference:

| | |
|--|---|
| Through our website/ portal (http://www.....) | (M/s Tata Teleservices Limited to provide complete URL with a form as mentioned in the table above to be submitted online and provide acknowledgement number) |
| Through email address | (M/s Tata Teleservices Limited to provide email ids and auto generation of acknowledgement) |
| Physically at the office/center of M/s Tata Teleservices Limited | (M/s Tata Teleservices Limited to provide complete address of at least one officer/ center in each of the licensed service areas) |
| Through Courier/ Speed Post | (M/s Tata Teleservices Limited to provide centralized address for the licensed service areas) |

- (b) provide an acknowledgement number to the subscriber through email or SMS for future reference for submission of the refund request as mentioned in the sub-para (a) above and submit compliance of the direction contained in para (a) above, to the Authority within seven days from the issue of this direction and;
- (c) verify the credentials of the subscriber based on the inputs as per PoI and PoA with the database available with M/s Tata Teleservices Limited and process the refund electronically, in to the bank accounts of the subscribers by 30th July 2019;
- (d) refund to the prepaid mobile subscribers, having unspent balance of not less than rupees ten in their account, who have neither ported out nor submitted information to M/s Tata Teleservices Limited as per the notice published by the service provider under para above, by means of a crossed cheque at the postal address contained in their Customer Acquisition Form;
- (iv) submit the following information to the Authority by 20th August, 2019.


| Mobile number | Post-paid /pre-paid | Amount refunded | Date of refund | Medium of refund viz. NEFT/RTGS/Cheque |
|---------------|---------------------|-----------------|----------------|--|
| | | | | |

- (v) furnish compliance report of this direction to the Authority by 20th August, 2019, together with the unspent prepaid balance amount along with number of subscribers available with M/s Tata Teleservices Limited to whom refund could not be provided and reasons thereof of such failure;


10.6.2019

(B) all access service providers: -

- (i) as recipient operator, for the ported subscribers, to credit the refund amount received from M/s Tata Teleservices Limited to individual accounts of the subscribers and intimate the same to such subscribers through SMS; and
- (ii) submit compliance to the Authority within two days of receipt of such details from M/s Tata Teleservices Limited.


10.6.2019
(Syed Tausif Abbas)
Advisor (Network, Spectrum and Licensing)

To,

Shri Sunil Tandon
President
Regulatory & Corporate Affairs
M/s Tata Teleservices Limited
2-A, Old Ishwar Nagar,
Main Mathura Road,
New Delhi - 110 065

2. All Access Service Providers (Wireless)