



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(पुराना मिनटो रोड), नई दिल्ली-110002
(Old Minto Road), New Delhi - 110 002
फैक्स/Fax : +91-11-23213294



Dated the 22nd February 2013

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) read with regulation 5 and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), regarding facilitation of Mobile Number Portability for consumers of M/s Unitech Wireless (Tamilnadu) Private Limited.

No. 102-11/2012-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 the TRAI Act, 1997), has been entrusted with discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect the interest of the consumers of telecommunications service;

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

3. And whereas regulation 5 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) provides that every Access Provider shall, within sixty days from the date of these regulations coming into force, set up, in its mobile network, a mechanism for the purpose of --

- (a) receiving Short Message Service (SMS) messages from its subscribers requesting for a unique porting code;
- (b) allocating a unique porting code for each such request and communicating it to the subscriber forthwith through Short Message Service (SMS) message through an automated process; and
- (c) retaining such unique porting number on its records for the purpose of verification of the porting request of such subscriber to be received eventually by it from the Mobile Number Portability Service provider;

4. And whereas regulation 18 of the said regulations provides that without prejudice to any of the provisions of the TRAI Act, 1997 or any other regulations made under the said Act or directions issued thereunder, 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 said regulations;

5. And whereas the Hon'ble Supreme Court in its order /Judgment dated 15th Feb 2013 on I.A. No. 11 of 2012 in writ petition (C) 423 of 2010 titled CPIL & Ors. Versus Union of India & Ors. has inter-alia, stated:

“(iv) The licensees, who did not give bid in the auction conducted on 12.11.2012 and 14.11.2012 or who remained unsuccessful shall forthwith discontinue their operations in the concerned circles/areas and the successful applicants should be allowed to operate in those circles/areas.”

6. And whereas M/s Unitech Wireless (Tamilnadu) Private Limited has, vide its letter dated 19th February 2013, informed the Authority that pursuant to the aforesaid order of the Hon'ble Supreme Court, it has closed down its



services in fifteen service areas, namely Karnataka, Kerala, Madhya Pradesh, Haryana, Himachal Pardesh, Jammu & Kashmir, Mumbai, Punjab, Rajasthan, North East, Assam, West Bangal, Odhisha, Kolkata and Tamilnadu;

7. And whereas due to sudden closure of its services, the consumers of M/s Unitech Wireless (Tamilnadu) Private Limited could not use the facility of mobile number portability to port their mobile number to the other service providers in the said service areas as they could not generate Unique Porting Code (UPC) required for porting a mobile number;

8. And whereas M/s Unitech Wireless (Tamilnadu) Private Limited, vide its letter dated 19th February, 2013, further informed that it is willing to extend port out facility to all its consumers in Mumbai service area who want to port out to other service providers' network and has requested the Authority to facilitate port outs from its network through a special porting mechanism wherein it may accept request for generation of Unique Porting Code at its call centre, company owned company operated (COCO) stores and authorised direct franchisees;

9. And whereas M/s Unitech Wireless (Tamilnadu) Private Limited has proposed that after due verifications of subscriber's details, UPC will be generated for the requested mobile number manually for porting to other operators;

10. And whereas the Authority has examined the active subscriber base in the fifteen service areas as given in the **Annexure** and has noted that M/s Unitech Wireless (Tamilnadu) Private Limited has large number of active subscribers in the service areas of Mumbai and Kolkata and agrees that there is a case to facilitate poring of these subscribers and refund them the balance amount they had on 15th February, 2013, as due to sudden discontinuance of service by M/s Unitech Wireless (Tamilnadu) Private Limited, a large number of their mobile subscribers could not utilize the balance amount in their account and could not get sufficient time to port their numbers to the other telecom service providers in their service area;



11. And whereas the Authority also considered the proposal of M/s Unitech Wireless (Tamilnadu) Private Limited to facilitate the porting of mobile numbers;

12. Now therefore, in exercise of power conferred upon it under section 13 read with sub-clause (i) and clause (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1994), the Authority, hereby directs :

(a) M/s Unitech Wireless (Tamilnadu) Pvt. Ltd to ----

(i) refund, within fifteen days of issue of this direction, the amount available in the account of the consumer;

(ii) to accept request for generation of UPC at its call centres after verification of details of the consumer and facilitate porting of mobile number of the consumer in accordance with the provisions of the Telecommunications Mobile Number Portability Regulations, 2009; and

(iii) publish in the newspaper and its website the procedure for porting & refund and the contact details of its call center set up for accepting request for porting,----


in the service areas of Mumbai and Kolkata where it has discontinued its service pursuant to the direction dated 15.02.2013 of the Hon'ble Supreme court wherein large number of active subscriber base of M/s Unitech Wireless (Tamilnadu) Private Limited exists;

(b) All Cellular Mobile Telecom Service and UAS licensees of the said service areas mentioned in para (a) above to accept the porting requests from the consumers of M/s Unitech Wireless (Tamilnadu) Private Limited; and



(c) Mobile Number Portability Service providers to accept the porting request from the CMTS and UASL licencees as mentioned in para b) above and process the request for porting of such mobile numbers as per the existing porting process ----

and continue the porting process for fifteen days and furnish compliance within thirty days of issue of this Direction.


(Sanjeev Banzal) ^{22/2/13}
Advisor (NSL)

To,

1. M/s Unitech Wireless (Tamilnadu) Private Limited
2. All the CMTS & UASL of the said service areas
3. MNP Service Providers of Zone-I and Zone-II

VLR subscribers of M/s Unitech as on 16th February 2013

S.no	Service Area	VLR / Active subscribers
1	Mumbai	815242
2	West Bengal	70
3	Kolkata	197388
4	Karnataka	143
5	Kerala	890
6	Odisha	780
7	Tamilnadu including Chennai	906
8	Punjab	52
9	Madhya Pradesh	300
10	North East	5
11	Rajasthan	170
12	Haryana	31
13	Himachal Pradesh	16
14	Assam	110
15	Jammu & Kashmir	75

