

February 13, 2023

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Sub: Response of Dish TV India Limited to Consultation Paper on License Fee and Policy Matters of DTH Services dated 13.01.2023.


Dear Sir,

We hereby submit our response to the TRAI Consultation Paper dated 13.01.2023 on License Fee and Policy Matters of DTH Services.

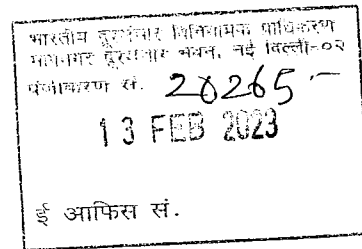
Please find enclosed the same.

Thanking you,

Yours truly,
For Dish TV India Limited


Authorized Signatory

Enclosed: as above



Response of Dish TV India Limited to the Consultation Paper on the License Fee and Policy Matters of DTH Services

We, Dish TV India Limited, at the very outset, express and sincere thanks to the Authority for having brought the current Consultation Paper (hereinafter "CP"). It is the need of time that the long pending issues in relation to the License Fee being faced by DTH industry are considered wholistically in order to remove disparity vis-à-vis other players in the market as well as to rationalise the License Fee. We strongly believe that TRAI it will consider each and every aspect to reach to a considered opinion which will help the industry and also consumers. Before going into the queries raised by the CP, it is extremely important to delve upon the background and the issues having an impact on the same which has a direct bearing on the issue of License Fee on DTH sector.

We therefore, at this juncture, take this opportunity to once again highlight the discriminatory treatment towards pay DTH operators which has created a position of disparity among the similarly placed platforms provided the same service and unless these are addressed properly, parity on the licensing terms for all the constituents of the industry cannot be achieved and without which, the DTH sector shall continue to be at a disadvantageous position.

Discriminatory Licensing Regime

The Guidelines for grant of DTH licenses were notified in the year 2001. Article 3 of the said license provided for the payment of annual license fee @10% of the Gross Revenue.

On 01.10.2004, the TRAI issued recommendations on 'Issues relating to Broadcasting and Distribution of TV channels' where it recommended reduction in license fee to 8% of Adjusted Gross Revenue (AGR). The relevant extract of the said TRAI Recommendation is extracted hereunder:

“The principle of application of license fee on Adjusted Gross Revenue (AGR) as in the case of telecom may also be followed. The AGR in case of DTH service should mean total revenue as reflected in the audited accounts from the operation of DTH as reduced by

- (i) Subscription fee charges passed on to the pay channel broadcasters;***
- (ii) Sale of hardware including Integrated Receiver Decoder required for connectivity at the consumer premise;***
- (iii) Service/Entertainment tax actually paid to the Central/State Government, if gross revenue had included them.”***

From the above, it is apparently clear that even during the initial phases of the DTH sectors operation, the Authority was of the clear view that the License Fee has to be on AGR basis, after deduction of the items which should not be considered as a revenue on which the DTH sector should be required to pay the License Fee.

Thereafter, the Ministry of Information and Broadcasting (‘Ministry’/‘MIB’) considered abovementioned recommendations of TRAI and after due consideration the MIB decided not to adopt the concept of AGR as recommended by TRAI and rather decided to reduce the license fee from 10% of GR to 6% of GR. MIB this, vide its letter dated 17.03.2008, sought comments from TRAI on its decision. TRAI, vide letter dated 15.04.2008 conveyed its acceptance to the decision of MIB. Unfortunately, no action was taken in this regard despite the issue attaining the consensus of the both the Licensor and the Authority.

However, the TRAI, on 23.07.2014, while giving its recommendation on the terms and conditions for renewal of DTH license and that too without any reference from MIB on the issue of License Fee, *suo-moto* recommended that the license fee for DTH should be 8% of AGR after reduction of only Service Tax, Entertainment Tax & VAT from the Gross Revenue. This was not only contrary to the decision of MIB but also a departure from its own recommendations dated 01.10.2004.

This was a clear departure from the opinion given by TRAI in various recommendations including that recommendation dated 01.10.2004 where TRAI also reiterated its views that the telecom services should not be treated as a source of revenue for the Government. The relevant para at page 96 of the said Recommendation is reproduced as under:

7.7 TRAI has expressed its views in various recommendations that the telecom services should not be treated as a source of revenue for the Government. Imposing lower license fee on the service providers would encourage higher growth, further tariff reduction and increased service provider revenues. With increased growth, it would be a win-win situation for the industry and the Government. The Government would also get higher license fee and service tax if revenue for the service provider increase.

All this while, no other distribution platforms which include MSO/LCO, HITS are required to pay any license fee despite engaging into the same activity being undertaken by DTH platforms, being regulated by the same regulator, servicing the same set of customers with same product. Such a discriminatory treatment created a non-level playing field for the DTH platforms.

Discrimination of DTH sector vis-à-vis Telecom Sector:

TRAI has on many occasions expressed its view that telecom services should not be treated as a source of revenue for the Government as lower license fee would encourage higher growth, further tariff reduction and increased service provider revenues. It is with this view that the Government in the new telecom policy allowed various charges to be deducted from its gross revenue to arrive at the adjusted gross revenue.

Even recently, the Department of Telecommunications ('DoT') has issued amendment dated 25.10.2021, which modified the definition of Adjusted Gross Revenue (AGR) to remove non-telecom revenues while calculating license fee. Applicable Gross Revenue (ApGR) has been introduced, which is arrived at by removing the non-telecom revenues earned by Telcos from their

gross revenue such as property rents, dividends and interests for the calculation of AGR.

In addition to the above, the DoT has also issued a proposal under which the license fee for broadband and IPTV services will get a waiver for a period of 10 years for payment of license fee. While this move of DoT will be beneficial for the broadband companies, however, it will have a direct and adverse bearing on the DTH industry. IPTV is a service which has been categorized by the TRAI as 'distribution platform operator' which includes cable and DTH. Accordingly, by dispensation of license fee on IPTV and making it continue to be applicable on DTH, the DTH services will become totally irrelevant and non-competitive. Further, waiver of license fee on broadband will give fillip to the OTT platform which are also direct competitors of DTH.

Discrimination with other similarly placed platforms:

TV Channels are distributed through various distribution platform operators (DPO) to the end consumers using various technologies, however, the content (TV Channel programme), the customer and the cost of the channel(s) remains unchanged. The present regime for the license fee is discriminatory towards the DTH Operators and is designed to provide the leveraged position to Cable Operator, HITS, IPTV and MSO etc. in the market-place as they are not required to pay any annual license fee..

In this context it is pertinent to point out that HITS delivery platform is totally similar to DTH platform. But the Government justified the non-levy of annual license fee on the said platform on the ground that the service needs to be incentivized to bring down the cost of digitization of cable and to effectively compete with DTH. However, no such benefit has ever been provided to the DTH operators despite the DTH operators being in forefront in establishing digitisation in the country and also providing an alternate /competition to the cable sector.

Further, OTT platforms also offers similar content (linear programming) to the subscribers either free of cost or at a lower price. Most of the OTT platform carry most Pay and FTA channels, in addition to original content. Like DTH, the content distributed by OTT platforms are directly provided to the subscribers without any intervening platform.

Therefore, OTT platforms are nothing but a distribution platform like DTH. However, the OTT platforms are not subjected to any licensing framework and hence these platforms are not required to pay any license fee. Further, the TRAI Regulations are also not being made applicable to them despite them being a direct competition to the conventional distribution platforms.

Also, as mentioned above, now the license fee applicable on IPTV and broadband to proposed to be removed in exclusion to DTH.

It has become apparently clear that DTH remains to be the only platform (engaged in the services of providing content through audio-visual means) in the entire country which has to be pay license fee despite having made investment in the country in billions of dollars and having created tens and thousands of employment opportunities.

It is a matter of the record that DTH Operators have been continuously requesting the Ministry and the Authority to take steps towards removal of the discriminatory framework towards the DTH operators. The concerns were expressed by the DTH operators even during the consultation process initiated by TRAI

However, MIB while issuing the amendment to the DTH guidelines on 30.12.2020 prescribed the license fee for DTH as annual fee equivalent to 8% of AGR calculated by excluding only GST from the Gross Revenue as reflected in the audited accounts of the Company.

It is very unfortunate that while issuing the amended DTH guidelines, MIB did not consider the representation made by the DTH operators.

The license regime with regard to similarly placed DPO's are tabulated in the table below:-

Parameters	DTH	MSO	HITS	Cable	OTT
Entry fee	<i>Rs 10 Crores</i>	<i>Rs. 1 Lakh</i>	<i>Rs. 10 crores</i>	<i>Nil</i>	<i>Nil</i>
Annual License Fee	<i>8 % of AGR, excluding only taxes</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
Bank Guarantee (in Rs. crore)	<i>An amount equivalent to the estimated sum payable, equivalent to License Fee for two quarters and other dues not otherwise securitized</i>	<i>Nil</i>	<i>Rs. 40 crore (Refundable)</i>	<i>Nil.</i>	<i>Nil</i>
WPC license fee and royalty	<i>As prescribed.</i>	<i>Nil</i>	<i>As prescribed</i>	<i>Nil</i>	<i>Nil</i>

It is thus clear that despite that DTH operators falling into the same category as other operators such as MSO, HITS and LCO as all of them providing the same services and are competing for the same set of consumers, it is only the DTH operators who have been imposed with huge license fee while the no license fee or very nominal license fee is charged from the others. In addition, the DTH sector is heavily discriminated against the Broadcasting/Teleport sector which sectors are also using the same airwaves and are license under the same Telegraph Act.

Further, as mentioned above, DoT has recently proposed removal of the licence fee for fixed line broadband services, including IPTV, for the next 10 years, in a bid to promote proliferation of the high-speed internet services across the country.

In addition to the above, discrimination on DTH is also qua the fee and the charges imposed by the Government on Broadcasters and Teleport Services, brief of which is as under:

- (i) Fee/charges on Broadcasters

- for a channel uplinked from abroad, fee of Rs. 10 Lakh (one time) at the time of permission and annual fee of Rs. 15 Lakh
- for a channel uplinked from India, fee of Rs. 2 Lakh (one time) at the time of permission and annual fee of Rs. 5 Lakh

(ii) Fee/charges on Teleport Operators

- Rs. 2 lakhs per teleport per annum

Both DTH Operators and Broadcasters as well as all the Distribution Platform operators are issued licenses under Section 4 of Telegraph Act. It is pertinent to mention here that under the uplinking / downlinking guidelines for Indian uplinked channels or uplink from foreign soil, in substance carry out the activity of propagation of content through airwave (sky wave) on a permitted frequency to the designated satellite and then downlinking the same channel from a satellite to designated teleport in form of reception right to the 3rd party. Similarly, a DTH operator carries out activity of transmitting the received content through carrier waves on a permitted frequency to a designated satellite and thereafter making it available to the viewers for the purpose of reception. Thus in substance the activity carried out by the broadcasters and DTH operator is same. Both of them transmit the signal through a satellite and make them available for the purpose of reception. In this aspect both stand in the same category.

The Authority is well aware that the DTH has played a very critical role in making the Digitization dream a success in addition to providing a world class experience to the consumers. When the industry and the Government were facing the persistent problem of the under declaration by the cable operators, DTH started with complete transparency and digitization in the sector, thereby giving the much-needed boost which was required by the sector. It is matter of fact that the DTH industry has spent more than more than Rs. 30,000 Crore on technology and fixed infrastructure and has been a source of huge employment and revenue generation. Despite this, the DTH industry has always been accorded a step motherly treatment.

We state that parity and uniformity in any industry is the pre-condition for an enabling and conducive business environment and in the broadcasting industry such uniformity and parity cannot be achieved unless the discrimination being meted out to DTH platform through Regulation and Government conditions are not considered.

In addition to the above, there are other issues which are being faced by all the DPOs and despite numerous effort for a long time, nothing has been done in this regard. We would like to point out such issues as under:

1. Immediate requirement to bring OTT platform within the ambit of the new framework:

The policy guidelines for up-linking and downlinking of channels as well as the TRAI regulations requires the broadcasters to provide its channels to the distribution platform operators. These provision have not been made applicable to OTT players. It is matter of record that the DPOs have been making repeated requests to bring OTT players within the ambit of TRAI regulations, however no steps have been taken on this regard. Taking benefits of the same, the Broadcasters, under the garb of the OTT services, are bypassing the regulatory provision(s) and are directly distributing there channels. Broadcasters are getting away by contending that the OTT Services are not channels and hence they do not require any license for these services.

We must appreciate that content being provided by the broadcasters at negligible to nil cost as compared to the charges being charged by the DPOs from the subscribers under the TRAI regulatory regime. This is being done with an intention to create a captive subscriber base and create a monopolistic situation. Because of almost 'free of cost' provision of the content by the broadcasters through OTT services, other distributor of TV Channels are heavily prejudiced. This method of streaming of content by the broadcasters directly to the customers, bypassing all the intermediaries in effect threatens the existence of the other distribution platforms.

We strongly believe that the ultimate objective of the regulations cannot be achieved until and unless the OTT platforms are brought within the ambit of the TRAI regulations. The Authority must take cognizance of the need of the hour and take proactive steps towards this direction as any delay with respect to the same will only perpetuate the wrong being committed by the broadcasters under the garb of the same.

The above has resulted in huge loss in terms of business opportunities for DPOs. We would thus again urge that all OTT players should be brought under the ambit of the TRAI regulations now as the OTT industry is now well passed its diaper stage and is now robust enough to sustain its growth path and it's about time it too should be regulated to enable a level playing field and to ensure a free and fair atmosphere for all M&E Industry's DPO's, and to ensure an orderly growth of the sector

It is therefore imperative that

- a. OTT players should be declared as distribution platform operators and should be brought within the IPTV Regulation with necessary modifications, if required, and the TRAI regulation should be made applicable to them like other distribution platform operators.
- b. Broadcasters should be restrained from directly districting their channels through their 'own' OTT platform

2. Applicability of uniform laws on DD Direct plus DTH platform

While one of the primary objectives of creation of Prasar Bharti was to pay special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health & family welfare and science & technology, the newest approach of Prasar Bharti is diluting the very same objective which is also causing imbalance in the DTH industry.

We may recall that Hon'ble TDSAT in the Petition No. 183(C) of 2008 titled as Total Telefilms Private Limited and Prasar Bharti and Anr. has held that Prasar Bharti is a 'Service Provider' within the meaning of the Telecom

Regulatory Authority of India Act, 1997 which is defined under Section 2(j) of the Act.

Further, Section 2 (h) of the Act defines an 'enterprise' as under:

“a person or a department of the Government, who or which is, or has been, engaged in any activity, relating to the production, storage, supply, distribution, acquisition or control of articles or goods, or the provision of services, of any kind, or in investment, or in the business of acquiring, holding, underwriting or dealing with shares, debentures or other securities of any other body corporate, either directly or through one or more of its units or divisions or subsidiaries, whether such unit or division or subsidiary is located at the same place where the enterprise is located or at a different place or at different places, but does not include any activity of the Government relating to the sovereign functions of the Government including all activities carried on by the departments of the Central Government dealing with atomic energy, currency, defence and space.”

It is thus clear that any activities of the Government relating to its sovereign functions are not covered under the definition of 'enterprise'. There are plethora of judgment by Hon'ble High Court of Delhi and Hon'ble Competition Appellate Tribunal stating that commercial and economic activities are not covered within the meaning of 'sovereign functions' and the State while discharging such functions is as much amenable to the jurisdiction of competition regulator as any other private entity discharging such functions. Despite this, TRAI has kept DD Direct plus DTH platform from the applicability of the new tariff regime citing that for the said platform does not need permission or license is granted from MIB.

The situation therefore is very peculiar. On one hand, Prasar Bharti, deviating from its core principles, have got into direct competition with the private DTH

operators and other distribution platform operators, on the other hand TRAI has refrained from making its regulations applicable for DD Direct plus. This is completely bizarre and with this philosophy how can we think of any ease in the doing business for the DTH and other DPOs.

It is a matter of record that the new tariff regime was the result of the observation made by Hon'ble TDSAT in the matter of Noida Software Technology Park Ltd. vs. Media Pro Enterprise India Pvt. Ltd. (NSTPL) & Ors. and other connected matters regarding the need to have a comprehensive restructuring of the Regulations wherein the Hon'ble Tribunal also held that reasonableness, parity and non-discrimination are essential and un-violable elements of an interconnect agreement and that provision of TV signals by a broadcaster to a distributor is mandated by the Regulations to be based on fairness, reasonableness, transparency and principles of non-exclusivity and parity.

We thus request the Authority to consider all issues comprehensively taking within its periphery all pending issues including the issues related to the level playing field of all the stakeholders, inclusion of OTT players for the purpose of application of TRAI Regulations. At the cost of repetition, we would like to point out that while on one hand the OTT players are providing same TV channels in addition to their original programming content without absolutely any pricing regulation, the broadcast and cable industry is reeling under multiple issues in its pursuit to provide effective consumer choice.

In the above backdrop, we submit our response to the present consultation as under:

License Fee:

Q1. Whether the existing definition of Gross Revenue and Adjusted Gross Revenue as prescribed in the extant DTH Guidelines needs any modification? If yes, please provide revised definition of the revenue on which license fee should be applicable. Provide your comments with proper justification.

Q2. Is there a need to exclude certain revenue components from the definition of Gross Revenue in the DTH Guidelines? If yes, what income heads should be excluded from Gross Revenue to arrive at Adjusted Gross Revenue? What mechanism should be adopted to ensure that the revenue excluded reflect true value, without compromising the revenue streams that entail payment of license fee?

Dish TV Response: It is a matter of record that the only authority, other than MIB and TRAI, which has till date dealt with the issues of quantum of license fee payable by the DTH operator is TDSAT. But TRAI, in a paradigm shift and suo-moto, retracted from earlier recommendation, suggested that for that the license fee for DTH should be 8% of AGR after reduction of only Service Tax, Entertainment Tax & VAT from the Gross Revenue despite giving a recommendation dated 01.10.2004 after comprehensively dealing with the issue of license fee payable by the DTH operators. Subsequently, MIB accepted the said recommendation of TRAI to amend the DTH Guidelines without referring the earlier recommendations of TRAI.

It is also a matter of record that in the Petition Number 92 (C) of 2009, the Hon'ble TDSAT after exhaustively and comprehensively dealing with the issues of quantum of license fee payable by the DTH operators, vide its order dated 28.05.2010 allowed the DTH operators to pay license fee on AGR basis with the following exclusions being non-licensed activities

- A. Subscription fee payable to broadcasters,
- B. Commission/discounts paid to the dealers and distributors,
- C. Payments received on behalf of third party,
- D. Installation charges passed to the other parties,
- E. Taxes paid to the Government.

Hon'ble TDSAT is a special body created under the statute to specifically deal with the issues coming under the TRAI Act and therefore if a judgment has been passed by TDSAT considering all the aspects impacting license fee payable by DTH operators and the income heads which should be excluded

from Gross Revenue to arrive at Adjusted Gross Revenue, then this should be accepted by TRAI as well as MIB, if at all there is any intention to remove parity amongst the DPOs.

As stated above, DoT has issued amendment dated 25.10.2021, which modified the definition of Adjusted Gross Revenue (AGR) to remove non-telecom revenues while calculating license fee. Applicable Gross Revenue (ApGR) has been introduced, which is arrived at by removing the non-telecom revenues earned by Telcos from their gross revenue such as property rents, dividends and interests for the calculation of AGR.

In view of the above, we suggest that the items which were recommended for deduction from the Gross Revenue to arrive at AGR, in the recommendation dated 01.10.2004 of the TRAI should be implemented. In addition, the non-licensed items, i.e., the revenue heads for which the DTH license is not required as per the Order dated 28.05.2010 passed by Hon'ble TDSAT, should also be deducted from the Gross Revenue.

In fact, under the New Tariff regime, as the MRP of the channels are declared by the broadcasters and the role of the DTH Operators has been limited to only as a 'pipe', the amount paid to the broadcasters by the DTH Operators should not even be considered as 'revenue' and Form D should accordingly be filed by the DTH Operators.

Q3. Please provide comments on the list of possible income heads as per Form-D'. Accordingly, apropos to Q2 above, provide a clear, precise and unambiguous format of Form-D containing:

- i. Exhaustive income heads forming part of Gross Revenue**
- ii. Exhaustive list of revenue components (income heads) to be excluded from Gross Revenue**

Q4. What method of verification should be adopted by the licensor to verify the deductions claimed, if any, for the purpose of calculation of the license fee payable by the DTH operators?

Dish TV Response: As stated above, under the New Tariff regime, the role of the distribution platform operators has been limited to only as a 'pipe'. Further, the issue of license fee and the income heads which should be excluded for the purpose of determination of adjusted gross revenue is under challenge. We strongly believe that as and when said issues are determined, TRAI would suggest a format of Form D after comprehensively dealing with the issue.

As regards to the method of verification to verify the deduction claimed, it is stated that the Form D is verified and signed by the Statutory Auditors of the Company who are bound under the Companies Act, 2013 and the Auditing Standards as per the ICAI guidelines by to give true and fair statement in any report. There is therefore no reason to question such a report as any wrong statement has a consequential penal action.

Q5. Alternatively, should the license fee be levied on Gross Revenue in place of Adjusted Gross Revenue, or any other base be used? If yes, what should be the percentage/quantum of such base? Please support your response with proper reasoning.

Dish TV Response: We would like to state that this very issue was raised by MIB after TRAI gave its recommendation dated 01.10.2004 on Issues relating to Broadcasting and Distribution of TV Channels.

The Ministry of Information and Broadcasting ('Ministry'/'MIB') considered the abovementioned TRAI recommendations and after due consideration the Ministry decided not to adopt the concept of AGR as recommended by TRAI as in its opinion allowing the deductions from Gross Revenue ('GR') was likely to enable the companies to conceal their shareable revenue rather than making the system transparent. The Ministry, after due and extensive

deliberation for more than 1½ years, decided to reduce the license fee from 10% of GR to 6% of GR.

This decision was also conveyed by the Ministry to TRAI vide its letter dated 17.03.2008 (Copy enclosed as Annexure E) wherein the Ministry also sought comments from TRAI on its decision to reduce the percentage of license fee from 10% of GR to 6% of GR. In the said letter it had been categorically stated as under:

“3....the Government has decided to reduce the license fee calculated as percentage of GR for DTH Service providers to bring them at par with most of the other sectors. TRAI has recommended a license fee of 8% on AGR. Since it has been decided to impose fee on GR instead of AGR it is therefore proposed to prescribe annual license fee 6% of gross revenue instead of 10% of gross revenue as charged presently. It is felt that this will be broadly in line with the proposal of TRAI (8% on AGR) in terms of actual revenue accruals to the Government. At the same time there will be ease in calculation and less scope for manipulating revenue figures.”

It is a matter of record that vide letter dated 15.04.2008, TRAI also conveyed its acceptance to the decision of the Ministry.

It is, however, not clear as to why decision taken by the Ministry pertaining to reduction of Licensee from 10% of GR to 6% of GR was not implemented. We suggest that the TRAI should advice the MIB that in case DTH industry is not given the option of AGR as a mechanism for payment of license fee, then the quantum of license fee should be reduced to 6% as already agreed between TRAI and MIB.

Bank Guarantee:

Q6. Is there any need to review the initial Bank Guarantee for the first two quarters, especially since the Bank Guarantee has already been reduced for the first two quarters vide amendments in DTH Guidelines notified on 30th December 2020?

Dish TV Response: We strongly believe that there is no need to have a condition prescribing the provision of the Bank Guarantees (BGs) in the DTH sector. It is a matter of record that the current DTH Operators are established business houses and there has never been a occasion in a period of last 20 years wherein the MIB has ever invoked a BG. It clearly establishes that even without the BG, the interest of the Licensor – the Government of India is protected.

Further, since there is already a provision of payment of entry fee, which ensures that only serious payers enters in the business, there is no requirement for a provision of BGs for securitizing LF payment as the serious players would always ensure payment of license fee.

Also, even in the new DTH regime, the value of the BG which is Rs. 5 crores for the first two quarters and thereafter an amount equivalent to the estimated sum payable, equivalent to License fee for two quarters and other dues not otherwise securitized is still high and the same amount remains locked in BGs. This blocked amount is not beneficial for the licensee as well as the licensor. On the contrary, if such a condition is removed, such locked amount would be useful for the business. In fact, telecom industry has already had the benefit of relaxation the requirement of BG and similar benefit may be passed to the DTH industry as well.

It is therefore suggested that the provision of BG requirement may be done away with.

Q7. Whether the amendments made by DoT in Unified License Agreement w.r.t. rationalization of Bank Guarantees should be extended for existing DTH licensees also? If yes, what should be the percentage of License Fee for the two quarters to be submitted as Bank Guarantee to the licensor?

Q8. Whether any alternate method should be adopted instead of Bank Guarantee for securitizing license fee and ensuring compliance of the DTH license conditions. If yes, please specify the details thereof.

Dish TV Response: As submitted above, it is high-time that the requirement of submission of Bank guarantee is done away with. However, in case the MIB still believes that the DTH Sector must submit the Bank Guarantees, the MIB can rely upon the formulae / manner which has been applied for the telecom sector for FBG i.e., 20% of the estimated sum payable equivalent to license fee for two quarters and other dues not otherwise scrutinized.

We therefore strongly recommend that TRAI must revise its earlier recommendation dated 23.07.2014 in the light of the above.
