



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
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Dated the 17th December, 2012

DIRECTION

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, to inform subscribers about closure of services pursuant to auction results of spectrum announced by the Central Government.

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), has been entrusted with discharge of certain functions, *inter alia*, to ensure compliance of terms and conditions of licence; to regulate the telecommunication services, 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 to be provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas the Hon'ble Supreme Court has, vide its judgment dated the 2nd February, 2012 in Writ Petition (Civil) No. 423 of 2010 and No. 10 of 2011, inter-alia, held as under –

“81.
.....

- (i) “The licences granted to the private respondents on or after 10.1.2008 pursuant to two press releases issued on 10.1.2008 and subsequent allocation of spectrum to the licensees are declared illegal and are quashed.

(Signature)

(ii) The above direction shall become operative after four months.

.....
.....”;

3. And whereas subsequently, on the application of Union of India, for clarification of judgment dated the 2nd February, 2012 and for grant of permission to conduct the auction, the Hon’ble Supreme Court vide its order dated the 24th April 2012 directed as under:

“In our view, it will be just and proper to partially accept the prayer made in the application and extend the time fixed by the court up to the end of August, 2012. Accordingly, the application is disposed of in the following terms.

- i. *The time specified in judgment dated 2.2.2012 in Writ Petition No.423 of 2010 and Writ Petition No. 10 of 2011 for conducting the auction for grant of fresh licenses and allocation of spectrum is extended up to 31.08.2012. This would necessarily mean that the applicant shall have to finalise the auction on or before 31.08.2012.*
- ii. *The existing licenses shall be entitled to continue to operate till 07.09.2012.”*

4. And whereas the Hon’ble Supreme Court, vide its order dated the 27th August, 2012, allowed the auction process to be completed by the 11th January, 2013 and allowed service providers of the quashed licensees to continue their services upto the 18th January, 2013;

5. And whereas M/s Unitech Wireless (Tamil Nadu) Private Limited is one of the service provider whose licences are affected by the Judgment and orders dated the 2nd February, 2012, the 24th April 2012 and the 27th August, 2012 passed by the Hon’ble Supreme Court;


6. And whereas the Central Government completed the auction for allocation of spectrum on the 14th November, 2012;

Ansari

7. 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 M/s Unitech Wireless (Tamil Nadu) Private Limited that in case it has failed to acquire any spectrum in any of the service areas where its licences have been quashed by the Hon'ble Supreme Court and it is going to discontinue its services on or before the 18th January, 2013 in such service areas, it shall inform-

- (a) all its existing subscribers in such service areas, either in writing or through SMS, within ten days of issue of this direction; and
- (b) every new subscriber at the time of their enrollment to its network,

the date of discontinuance of its services and furnish the compliance report to the Authority within fifteen days of issue of this direction.


(Sanjeev Banzal)
Advisor (NSL)

To,

Mr. Sigve Brekke,
Managing Director,
Unitech Wireless (Tamil Nadu) Private Limited,
The Masterpiece, Sector-54, Golf Course Road,
DLF Phase-V, Gurgaon- 122002