



भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,

(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,

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No. 406-10/2005- I&FN (Vol. II)

Dated the 25th October, 2011

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i),(ii), (iii), (v) and (vi) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) to Bharat Sanchar Nigam Ltd.(BSNL) to restore all POIs with Cellular Mobile Telephone Service Providers disconnected by it.

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 regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure compliance of terms and conditions of licence, ensure technical compatibility and effective inter-connection between different service providers, and ensure the quality of service so as to protect the interest of the consumers of telecommunications service;

2. And whereas the Authority vide its Direction dated 18th October, 2011 directed Bharat Sanchar Nigam Ltd.(herein after referred to as BSNL) to restore all POIs disconnected by it in the Punjab Service Area and report compliance latest by 21st October 2011 ;

3. And whereas M/s Bharti Airtel Ltd. and M/s Vodafone Essar Ltd. vide their respective letters dated 19th October 2011 informed the Authority that BSNL has further disconnected Points of Interconnection with them in Haryana and Maharashtra Service Areas;

4. And whereas BSNL has, vide its letter dated 21.10.2011 *inter alia*, requested the Authority to withdraw the Direction dated the 18th October 2011 mentioned in para 2 above;

5. And whereas, the Authority has duly considered the request of BSNL contained in their letter dated the 21st October 2011, and is of the view that unavailability of interconnection between networks of service providers results in non-completion of calls, causes disruption of services and inconvenience to the subscribers of both the interconnecting service providers and leads to deterioration in the Quality of Service provided by the service provider and is against the interest of the consumers and service providers;

6. And whereas BSNL has itself, in their letter dated the 21st October 2011 referred to in the preceding paras, acknowledged that the disconnection of Points of Interconnection is causing hardship to the consumers of BSNL as well as the consumers of other service providers;

7. And whereas clause 17.6 of the Basic Telephone Service Licence provides as under:-

"The terms and conditions of Interconnection including standard interfaces, points of Interconnection and technical aspects will be as mutually agreed between the service providers subject to compliance of prevailing regulations, directions and determinations issued by TRAI under TRAI Act 1997";

8. And whereas clause 26.5 of the Unified Access Service Licence provides as under:-

"It shall be mandatory for the LICENSEE to provide interconnection to all eligible Telecom Service Providers as well as NLD Operators whereby the subscribers could have a free choice to make inter-circle/ international long distance calls through NLD/ ILD Operator.....";

9. And whereas clause 26.7 of the Unified Access Service Licence provides as under:-

"Point of Inter-connection (POI) between the networks shall be governed by Guidelines/ Orders/ Directions/ Regulation issued from time to time by Licensor/ TRAI.";

10. And whereas same issue of disconnection of POIs by BSNL is pending adjudication before the Hon'ble TDSAT in the Petition Nos. 395, 400 and 401 of 2011 filed by the service providers wherein the Hon'ble Tribunal has, inter-alia, passed the following order on 30th September, 2011:-

29.....Subject to compliance of this order, the operation of the impugned circular dated 21.7.2011 so far as the petitioners are concerned is stayed. Subject to the aforementioned, the POIs, which have been disconnected, may be restored."

11. Now therefore, in exercise of the powers conferred upon the Authority under section 13 read with sub-clauses (i),(ii), (iii), (v) and (vi) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and in order to ensure compliance of terms and conditions of Basic Telephone Service Licence and Unified Access Service License, effective interconnection between service providers and to protect consumer interest and also keeping in view the aforesaid order

dated 30.9.2011 of the Honble TDSAT, the Authority hereby directs Bharat Sanchar Nigam Ltd:-

- (i) to restore within forty eight hours all Points of Interconnection with the Cellular Mobile Telephone Service Providers disconnected by it in the Punjab, Haryana and Maharashtra Service Areas;
- (ii) to desist from disconnecting any Point of Interconnection with other service providers adversely affecting the interests of the consumer; and
- (iii) to report compliance latest by 28th October 2011, failing which BSNL would be liable for contravention of directions of the Authority.


(Arvind Kumar)
Advisor(I&FN)

To

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