



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,
(Old Minto Road), New Delhi-110002
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Dated the 31st October, 2011

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 on rejections of request for porting on the ground of “contractual obligation” by M/s Vodafone

No. 109-23(1)/2011-MN ----- 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, protect the interests of consumers of the telecom sector; ensure technical compatibility and effective inter-connection between different service provider; 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

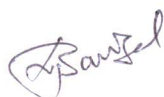
to be provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas the Authority made the Telecommunication Mobile Number Portability Regulations, 2009 [8 of 2009] on the 23rd September, 2009 (herein after referred to as regulation).

3. And whereas the Mobile Number Portability has been launched all over the country on 20th January, 2011 and the Authority while reviewing the status of its implementation noted that the percentage of rejections of the porting requests of subscriber is high;

4. And whereas the Authority has, after reviewing the implementation of the regulations in exercise of the powers conferred upon it under section 13, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the TRAI Act, and clauses (a) and (h) of regulation 12 of the regulations, (herein after referred to as regulations) and to ensure compliance of terms and conditions of license and to protect the interest of consumers, issued direction to service providers dated 24th May, 2011 directing all the CMTS and UASP's not to reject a request for porting of a mobile number :--

- (a) if the outstanding payment due from the subscriber, in the previous paid bill, is less than rupees ten which the service provider may include



in the subsequent bill of the subscriber without any penal charges; and

(b) on the ground of subsisting contractual obligation except in the case of ----

(i) the post paid connection with bundled handset with contractual obligation having exit clause and the subscriber has not complied with the same; and

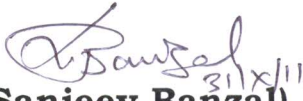
(ii) corporate connections with contractual obligation having an exit clause and the subscriber has not complied with the same;

5. And whereas it is observed that among those complaints received by the Authority against M/s Vodafone, majority of porting rejections have been primarily on the ground of contractual obligation; however, customers complained that they did not enter into such agreement with M/s Vodafone.

6. And whereas the Authority also noted that when such complaints were forwarded to M/s Vodafone, such customers were allowed to be ported out and therefore, such rejection on the ground of contractual obligation by M/s Vodafone is not in compliance with clause (h) of regulation 12 of the regulations, and Authority's direction dated 24th May 2011.



7. Now, therefore, in exercise of power conferred upon the Telecom Regulatory Authority of India 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), Telecom Regulatory Authority of India hereby directs M/s. Vodafone to comply with the provisions of the Telecommunications Mobile Number Portability Regulations, 2009 (8 of 2009) and direction dated 24th May, 2011 and not to reject porting of mobile numbers on the ground of contractual obligation contrary to the provisions of aforesaid regulations & direction and furnish the compliance report to the Authority within a period of seven days from the date of issue of this direction.


(Sanjeev Banzal)
Advisor (MN)

To,

Shri Marten Pieters
Chief Executive Officer
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Ganpatrao Kadam Marg,
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