



भारतीय दूरसंचार विनियामक प्राधिकरण  
TELECOM REGULATORY AUTHORITY OF INDIA  
भारत सरकार /Government of India



Dated: - 09th February, 2021

**Subject:** Direction to M/s. GTPL Hathway Ltd. (GTPL) under section 13, read with sub-clause (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997, to ensure compliance to the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017, the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017.

No. D-2/1/(1)/2021-B AND CS(2): 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"), has been entrusted to discharge certain functions, inter-alia, 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 provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas, the Central Government, in the Ministry of Communications and Information Technology (Department of Telecommunications), vide its Notification No.39,

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(a) issued, in exercise of the powers conferred upon it by proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification No.S.O.44 (E) dated 9<sup>th</sup> January, 2004 in the Gazette of India, Extraordinary, Part II, Section 3 - sub-section (ii)---

has notified broadcasting services and cable services to be telecommunication service;

3. And whereas the Authority notified a new regulatory framework for Broadcasting and Cable TV services provided through addressable systems, encompassing the following: -

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- (a) *the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March, 2017 (hereinafter referred to as "Tariff Order 2017");*
- (b) *the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017 (hereinafter referred to as "Interconnection Regulations 2017"); and*
- (c) *the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017 (hereinafter referred to as "QoS Regulations 2017");*

4. And whereas sub-regulation (3) of regulation 4 of the Interconnection Regulations, 2017 provides for declaration of target market by the distributors, and reads as under: -

*"(3) Every distributor of television channels shall declare coverage area of each distribution network as a target market: Provided that it shall be permissible for a distributor to declare, in non-discriminatory manner, any area within the coverage area of distribution network as a target market.*

*Provided further that for a multi-system operator or Internet Protocol Television Operator or Headend-in-the-Sky (HITS) operator the target market shall in no case be larger than a State or a Union Territory.*

*Explanation: For the purpose of this regulation, each Head-end or Earth Station, as the case may be, and its associated network used for distribution of signals of television channels shall constitute one distribution network."*

5. And whereas clause 4 of the Tariff Order 2017, inter alia, provides for the manner of offering of channels by distributors of television channels, and the relevant portion of the said clause reads as under: -

*"(4) It shall be permissible for a distributor of television channels to offer bouquet(s) formed from pay channels of one or more broadcasters and declare distributor retail price(s) , per month, of such bouquet(s) payable by a subscriber:*

*Provided that such bouquet shall not contain any pay channel for which maximum retail price per month declared by the broadcaster is more than rupees twelve:*

*Provided further that the distributor retail price per month of such bouquet of pay channels shall not be less than eighty five percent of the sum of distributor retail prices per month of a-la-carte pay channels and bouquet(s) of pay channels forming part of that bouquet:*

*Provided further that the distributor retail price per month of a bouquet of pay channels offered by a distributor of television channels shall, in no case, exceed the sum of*





*maximum retail prices per month of a-la-carte pay channels and bouquet(s) of pay channels, declared by broadcasters, forming part of that bouquet:*

*Provided further that such bouquet shall not contain any free-to-air channel:*

*Provided also that such bouquet shall not contain both HD and SD variants of the same channel.*

*Explanation: For the removal of doubt it is hereby clarified that a distributor of television channels while forming bouquet under this clause shall not break a bouquet of pay channels offered by a broadcaster to form two or more bouquet(s) at distribution level”;*

6. And whereas regulation 31 of the QoS Regulations, 2017, provides for establishment of website by distributors, and reads as under: -

*“31. Establishment of website. – (1) Every distributor of television channels shall establish and maintain a website for the purpose of publicity of information related to broadcasting services related to television offered by the distributor and for consumer awareness:*

*Provided that it shall be permissible for a distributor of television channels to engage any agency for establishing and operating such website:*

*Provided further that the responsibility for compliance of the provisions of these regulations shall rest with the distributor of television channels.*

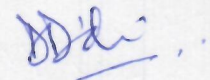
*(2) Every distributor of television channels shall provide a hyperlink for “consumer corner” on the home page of the website which shall be clearly visible and noticeable to visitors without scrolling the page.*

*(3) The consumer corner hyperlink referred to in sub-regulation (2) shall point to another web page where the information in accordance with Schedule II of these regulations shall be made available.*

*(4) The web page referred in sub-regulation (3), shall also have a provision for login to the subscribers to access information specific to such subscriber in accordance with Schedule III of these regulations.”;*

7. And whereas it was observed by the Authority that M/s. GTPL has not fully complied with the provisions of new regulatory framework, and vide letter/show cause notice 12-23/2020-B&CS dated 22.10.2020, comments of M/s. GTPL were sought for such non-compliance;

8. And whereas the response to the letter/show cause notice submitted by M/s. GTPL vide letter dated 13.11.2020 was considered by the Authority and was not found to be satisfactory for the following reasons:





- a) The target market declared on the website by M/s. GTPL displays more than one state which is in violation of sub-rugulation (4) of regulation 4 of the Interconnection Regulations, 2017;
- b) List and composition of of bouquets of pay channels formed by M/s. GTPL are not shown with DRP, which is in violation of sub-clause (4) of clause 4 of the Tariff Order, 2017 and sub-regulation (3) of the regulation 31 of the QoS Regulations, 2017 read with entry 1(e) of Schedule-II to the said regulations;

9. Now, therefore, the Authority, in exercise of its power under section 13, read with sub-clause (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) hereby directs **M/s. GTPL Hathway Ltd.**, to comply with the provisions of the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017, the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017, and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, and furnish compliance report to the Authority within twenty one days from the date of issuance of this Direction, failing which **M/s. GTPL Hathway Ltd.**, shall be liable for action as per extant regulatory provisions.

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09.02.2021

(Devendra Dwivedi)  
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To

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