

**GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS**

**LOK SABHA
UNSTARRED QUESTION NO.5105
TO BE ANSWERED ON 5TH APRIL, 2017**

ISSUE OF INTERCONNECTION

5105. SHRI B. SENGUTTUVAN:
SHRIMATI V. SATHYA BAMA:

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) whether some of the Telecom Service Providers (TSPs) are allegedly denying the interconnection to a new TSP in the country and if so, the details thereof;
- (b) whether the Telecom Regulatory Authority of India (TRAI) has reportedly slapped a combined penalty of Rs.3,050 crore on the erring TSPs for violating licence norms by denying adequate interconnection points to the new TSP;
- (c) if so, the details thereof including the amount of penalties imposed on each of the erring TSPs and if not, the reasons therefor;
- (d) whether the Government has constituted any committee to look into the TRAI's aforementioned decision; and
- (e) if so, the details and the major recommendations thereof?

ANSWER

**THE MINISTER OF STATE (IC) OF THE MINISTRY OF COMMUNICATIONS &
MINISTER OF STATE IN THE MINISTRY OF RAILWAYS
(SHRI MANOJ SINHA)**

(a) to (e) A new Telecom Service Provider (TSP) had represented to the Telecom Regulatory Authority of India (TRAI) as well as Department of Telecommunications (DoT) on the issue of delay/ denial of adequate Point of Interconnection (POI) by some of the existing TSPs, which is leading to congestion, call failures in it's network and is severely hampering their services and requested to direct the concerned TSPs to provide requisite number of additional POIs to remove congestion.

The TRAI in its recommendation dated 21.10.2016 has concluded that M/s Bharti Airtel Limited, M/s Idea Cellular Limited and M/s Vodafone India Limited are in non-compliance of the terms and conditions of the license, under Section of 11(1)(a)(iii) of the TRAI Act, 1997 and therefore, recommended a penal action of Rs. 50 crore per LSA against them where POI congestion exceeded the allowable limit of 0.5%.

Contd....2/-

Since, the issue of imposition of financial penalty was kept in abeyance due to judgement & order dated 08.01.2016 of Hon'ble High Court of Tripura in the matter of M/s Dishnet Wireless Ltd. Vs Union of India Writ Petition No. 422 of 2012, wherein the financial penalty clause of the License Agreement was held to be opposed to the public policy, ultra vires and against statutory provisions, DoT sought opinion of Learned Attorney General on the issue of powers to impose financial penalty on various Telecom Service Providers for violation of terms and conditions of license agreement pending the review petition dated 16.03.2016 before the High Court Division Bench.

Subsequently, Division Bench of Hon'ble High Court of Tripura has pronounced its judgement and order dated 15.03.2017 in favour of Union of India. With the pronouncement of the said judgement, the powers of DoT to impose financial penalty on various Telecom Service Providers for violation of terms and conditions of license agreement stands reinstated.

The department had constituted a committee to examine the TRAI's aforementioned recommendations. The Committee recommended that the said recommendations of TRAI may be referred back to TRAI for providing clarifications and reconsidered recommendations on account of various clarifications required as per comments/ observations of the Committee before deciding further action by the Department.
