



सत्यमेव जयते

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



DIRECTION


Dated: 27<sup>th</sup> August, 2020

**Subject: Direction under section 13, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with regulations 5 and 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) for minimum threshold of rupees ten to be applicable for generating unique porting code, raising of Non Payment Disconnection requests and reconnection of mobile numbers.**

No.116-6/2017-NSL-II (Vol. III) ----- 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 regulate the telecommunication services; protect the interests of consumers of the telecom sector; ensure technical compatibility and effective inter-connection between different service providers; 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 the interest of the consumers of telecommunications service;

2. And whereas the Authority, in exercise of the powers conferred upon it by section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11, of TRAI Act, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as “the regulations”);

3. And whereas on 13<sup>th</sup> December, 2018, the Authority issued Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018) (hereinafter referred to as the “seventh amendment regulations”), which were implemented from 16<sup>th</sup> December, 2019, and wherein it was provided that unique porting code (hereinafter referred to as the “UPC”) shall be allocated by the Mobile Number Portability Service Providers (hereinafter referred to as the “MNPS”) based on the validation of the conditions contained in regulation 6A of the regulations;

  
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4. And whereas according to the provisions of regulation 6A of the regulations, upon receipt of the request for UPC, the MNPSP shall check the conditions enumerated in sub-regulation (1) of regulation 6A from its database, and where it finds that the conditions (a) to (c) mentioned in the said regulation 6A(1) are not applicable, it shall check immediately on real time basis from the database of Donor Operator for the queries listed under clauses (a) to (g) of sub-regulation (3) of the regulation 6A, and retain such information obtained by it under sub-regulation (3) for taking necessary action, on receipt of the porting request of the subscriber, from Recipient Operator;

5. And whereas clauses (b) and (g) of sub-regulation (3) of regulation 6A of the regulations read as under:

*“(b) there are outstanding payments due from the postpaid subscriber by way of pending bill, issued as per the normal billing cycle but before the date of request for unique porting code;*

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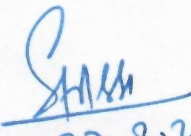
*(g) there are subsisting contractual obligations in respect of which an exit clause has been provided in the subscriber agreement but the subscriber has not complied with such exit clause;”*

6. And whereas according to the provisions of sub-regulation (8) of regulation 6A of the regulations, when any one or more of the conditions contained in clauses (b) to (g) of sub-regulation (3) of regulation 6A of the regulations are applicable for the mobile number under porting, the MNPSP shall not issue UPC to the subscriber and shall inform the mobile subscriber through SMS, the reasons for non-generation of UPC;

7. And whereas the Authority, vide its Direction No. 116-3/2011-MN dated 24<sup>th</sup> May, 2011, directed all the Cellular Mobile Telephone Service Providers and Unified Access Service Providers 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;

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

  
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- (i) the postpaid connection with bundled handset with contractual obligation having an exit clause and subscriber has not complied with the same; and,
- (ii) corporate connection with contractual obligation having an exit clause and subscriber has not complied with the same;

8. And whereas Cellular Operators' Association of India (hereinafter referred to as "COAI"), vide its letter dated 22<sup>nd</sup> June 2020 has written to the Authority that the threshold of rupees ten may also be applicable for closure of Non Payment Disconnection (hereinafter referred to as "NPD") service requests under the regulations, both at the time of disconnection and reconnection, i.e. when the MNPSP shall query the outstanding status of a mobile number to the Donor Operator within the first thirty days, the Donor Operator shall respond as NPD closed if the outstanding amount is less than rupees ten, and similarly at the time of reconnection request, if the outstanding amount due is less than rupees ten, the Donor Operator shall not send a negative response to the MNPSP and such outstanding shall not include any penal charges like late payment charges etc.;

9. And whereas the issue mentioned in the para above was discussed during the meeting held on 1<sup>st</sup> July 2020 on 'NPD issues in MNP Process' through video conferencing, wherein representatives from all the telecom service providers and MNPSPs participated and were in agreement with the suggestion of COAI as mentioned in para 8 above;

10. And whereas the telecom service providers, namely, Bharat Sanchar Nigam Limited (hereinafter referred to as "BSNL") and Mahanagar Telephone Nigam Limited (hereinafter referred to as "MTNL"), which are not members of COAI, were requested vide email dated 4<sup>th</sup> July 2020 to confirm if they were in agreement with the suggestion of COAI as mentioned in para 8 above, and in response, vide emails dated 13<sup>th</sup> July 2020 and 21<sup>st</sup> July 2020 respectively, BSNL and MTNL have conveyed their agreement with the suggestion of COAI;

11. And whereas, vide their emails referred to in the previous para, BSNL and MTNL have further mentioned that it is not possible to check if the amount is non-inclusive of any penal charges as NPD requests are raised on the complete bill amount which includes all kinds of charges;

  
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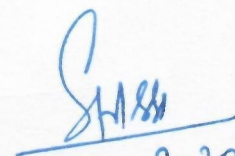
12. And whereas consequent to implementation of seventh amendment regulations, the porting request submitted by an individual subscriber with correct UPC, within validity period of UPC, shall not be rejected, and whereas corporate porting requests which are forwarded by MNPSP to the Donor Operator for validation of authorisation letter may be accepted or rejected depending upon the matching of details mentioned in the authorisation letter with those in the database of the Donor Operator;

13. And whereas, the Authority is of the opinion that direction dated 24<sup>th</sup> May, 2011, as referred to in para 7 above, needs to be aligned with the prevailing regulations, and thus, the requests made for UPC should not be rejected if the outstanding payment due from the post-paid subscriber by way of pending bill, issued as per the normal billing cycle but before the date of request for unique porting code, is rupees ten or less;

14. And whereas the Authority, while reviewing the status of the implementation of the seventh amendment regulations and during discussions with the representatives of TSPs and MNPSPs, noted that many of the NPD requests are being raised for recovery of very nominal outstanding amounts from the ported subscribers, for e.g. ₹ 8.50 or ₹ 0.50 etc., and thereby causing inconvenience not only to the subscriber, but also to the Donor Operator, Recipient Operator and MNPSPs for such a miniscule amount;

15. And whereas the Authority agrees with the proposal of COAI which has been supported by all the telecom service providers, to not raise such NPD requests by the Donor Operator where outstanding amount payable by the ported subscriber is rupees ten or less, and also send a positive response to the MNPSP when the reconnection requests are raised by the Recipient Operator where the outstanding amount due is rupees ten or less than rupees ten;

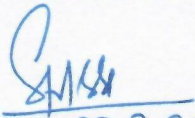
16. Now therefore, the Authority, in exercise of the powers conferred by section 13, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and regulation 5 and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009); in supersession of the Direction No. 116-3/2011-MN dated 24<sup>th</sup> May, 2011 and for ensuring compliance of terms and

  
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conditions of license and for protecting the interest of consumers, hereby directs all Access Providers as Donor Operator that:--

- (a) in response to the query relating to the outstanding dues, made by the MNPSP under clause (b) of sub-regulation (3) of the regulation 6A of the regulations, clearance should be granted for generating UPC if the outstanding payments due from the postpaid subscriber in the previous paid bill is rupees ten or less than rupees ten, which the service provider may include in the subsequent bill of the subscriber without any penal charges;
- (b) NPD requests should not be raised for the mobile number if the outstanding amount due from the ported subscriber is rupees ten or less than rupees ten without any penal charges;
- (c) the response of Donor Operator to the reconnection request received from MNPSP on being raised by the Recipient Operator should be 'No Dues Pending', if the outstanding amount due from the subscriber is rupees ten or less than rupees ten;
- (d) when query relating to the subsisting contractual obligations is made by MNPSP under clause (g) of sub-regulation (3) of regulation 6A for generating UPC, clearance should be granted for generating UPC, except in the case of --
  - (i) the postpaid connections with bundled handset with contractual obligation having exit clause and the subscriber has not complied with the same; and
  - (ii) corporate connection with contractual obligation having an exit clause and the subscriber has not complied with the same;

and furnish compliance report to the Authority within ten days of the date of issue of this direction.

  
(Syed Tausif Abbas)  
27.8.2020

**Advisor (Network, Spectrum and Licensing)**

To,  
All Access Service Providers (Wireless) &  
Mobile Number Portability Service Providers