

Dated: 2<sup>nd</sup> December, 2013

## DIRECTION

**Subject: Direction to M/s\_\_\_\_\_ 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 and regulation 14, 15, 16 and 24 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012)**

**No. 16-2/2012-B&CS.---** 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, has been entrusted with discharge of 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 Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39,---

- (a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and
- (b) published under notification number S.O.44(E) dated the 9<sup>th</sup> January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,---

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

3. And whereas the Authority, in exercise of powers conferred by section 36, 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 (24 of 1997), read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39, made the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012) (herein after referred to as the regulations);

4. And whereas regulation 14 of the regulations, provides that the multi system operators providing cable TV services through Digital Addressable Systems(DAS) shall offer cable TV services on both pre-paid and post-paid payment options to the subscribers and shall be responsible for generation of bills for the subscribers and reads as under:-

*“14. Billing for subscribers.— (1) Every multi-system operator shall offer cable TV services on both pre-paid and post-paid payment options to the subscriber and shall be responsible for generation of bills for the subscribers.*

*(2) It shall be open to the subscriber to choose either the pre-paid or post-paid option.”*

5. And whereas regulation 15 of the regulations, inter-alia provides that every multi-system operator either directly or through its linked local cable operator shall give the every subscriber the bill for charges due and payable and such bill shall be itemized to indicate the price of individual channels or bouquet of channels, charges of set-top box, taxes etc. and every multi-system operator or linked local cable operator shall issue proper receipt for every payment made by the subscriber and reads as under:-

*“15. Providing usage details in respect of Post-paid service.—(1) Every multi-system operator either directly or through its linked local cable operator, as the case may be, shall give to every subscriber the bill for charges due and payable by such subscriber for each month or for such other period as agreed between the parties, for which such charges become payable by the subscriber.*

*(2) In case of post-paid bills, the subscriber shall be billed, generally on monthly basis and the bill shall contain the Service Tax Registration Number and the Entertainment Tax Registration number of the multi-system operator.*

*(3) The entries in the bills shall be itemized to indicate the price of individual channels or bouquet of channels along with the names of channels in the bouquet, charges for basic service tier and the channels comprised therein, charges for set top box, taxes along with the rates of taxes levied and the charges for value added services availed by the subscriber, if any.*

*Provided that this sub-regulation shall not in any manner prevent the multi-system operator from promoting different schemes of payment.*

*(4) Every multi-system operator or its linked Local Cable TV Operator, as the case may be, shall give fifteen days time, from the date of the bill, to every subscriber for making payment of the bill and in case the subscriber fails to make payment after expiry of the due date of payment, the multi-system operator or its linked local cable operator may charge simple interest of twelve percent per annum on the amount due for the delay in making payment.*

*(5) The multi-system operator or its linked local cable operator, as the case may be, shall issue a proper receipt for every payment made by the subscriber.”*

6. And whereas regulation 16 of the regulations inter-alia, provides that every multi-system operator or its local linked cable operator shall, on request of the pre-paid subscriber, supply to the subscriber, at a reasonable cost, the information relating to itemized usage charges and reads as under:-

*“16. Providing usage details in respect to Pre-paid service.—(1) Every multi-system operator or its linked local cable operator, as the case may be, shall on request from a subscriber, who has been provided pre-paid service, supply to such*

*subscriber, at a reasonable cost, the information relating to the itemized usage charges showing actual usage of service:*

*Provided that it shall not be mandatory for the multi-system operator or its linked local cable operator, as the case may be, to provide to the subscriber the information referred to in this sub-regulation for any period beyond six months preceding the month in which the request is made by the subscriber.*

*(2) Every multi-system operator shall, on request from the subscriber, change his payment plan from pre-paid to post-paid or from post-paid to pre-paid, without any extra charge."*

7. And whereas the Authority, vide its letter dated the 6<sup>th</sup> November, 2013 (copy enclosed), inter-alia, directed M/s \_\_\_\_\_ to send the compliance report, of the provisions of regulation 14, 15 and 16 of the regulations, by the 15<sup>th</sup> November, 2013 in respect of National Capital Territory of Delhi, Municipal Council of Greater Mumbai and Kolkata Metropolitan area;

8. And whereas M/s \_\_\_\_\_ failed to furnished the compliance report, referred to in para 7 above;

9. And whereas regulation 24 of the regulations, inter-alia, provides that the Authority may, by order or direction, intervene to ensure compliance of the provisions of the regulations and reads as under: -

***"Intervention by Authority in certain cases.--** The Authority may, by order or direction, from time to time, intervene, for the purpose of protecting the interest of the subscribers or monitoring the performance of quality of service standards of the multi-system operator or its linked local cable operator or for ensuring compliance of the provisions of these regulations."*

10. Now, therefore, the Authority, in exercise of the powers conferred upon it 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 (24 of 1997) and regulation 14, 15, 16 and 24 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 and to protect the interest of the consumer hereby, directs M/s \_\_\_\_\_ to:-

- (a) offer cable TV services to its subscribers on both pre-paid and post-paid payment options and generate bills for subscriber;
- (b) give to every subscriber the bill, on regular basis, for charges due and payable for each month or for any other agreed period and the bill for the period ending the 30<sup>th</sup> November, 2013 shall be given to the subscriber latest by the 15<sup>th</sup> December, 2013, as per the billing cycle agreed between the parties;
- (c) provide itemized bill to the subscriber clearly indicating the price of channels or bouquet of channels along with the name of channels in the bouquet, charges for basic tier and channels comprised therein, charges for set-top-box, charges for value added service, the details of taxes along with the rate of taxes and Service Tax registration number and Entertainment Tax registration number;

- (d) ensure that a proper receipt is given to the subscriber by it or its linked local cable operator for every payment made by the subscriber;
- (e) provide to the pre-paid subscriber, at a reasonable cost, the information relating to the itemized usage charge showing actual usage of service; and
- (f) submit compliance report by the 31<sup>st</sup> December 2013 for the areas of the National Capital Territory of Delhi, Municipal Council of Greater Mumbai and Kolkata Metropolitan area.

(G.S. Kesarwani)  
Deputy Advisor (B&CS)  
Tele Fax: 011-23220442

To

**All registered MSOs as per below list:-**

(1) ABS Entertainment Pvt. Ltd.

B-16, Hari Om Chambers, 7th Floor,  
Off Veera Industrial Estate, Off Line road,  
Andheri(W) Mumbai

(2) Advance Multysystem Broadband Communications Ltd.

Bankim Kanan, Chinsurah Station Road,  
P.O.-Chinsurah R.S. Hooghly,  
Pin-712102

(3) Asiana communication

KP-202, 204 Plot No. 24,  
Vardhman Plaza, Pitampura,  
Delhi-110088.

(4) Baba enterprises

106, 1st Floor, Takiya Chowk,  
Mandir Wali Gali, Burari Village,

Delhi 84

(5) Barasat Cable TV Network Pvt. Ltd.

Circular Road, Nabapally, Barasat,

Pin No. 700126 (W.B)

(6) Bhawani Rajesh Cable And Digitech Services Pvt. Ltd

301/302, Runwal Centre, Premises Co-op. Society,

B.K.S. Devshi Marg, Deonar,

Mumbai-400088

(7) Delhi Distribution Company

Office No.2, 1st Floor, Local Shopping Centre,

Uday Park, New Delhi-110049

(8) DEN Networks Ltd.

236, Ground floor, Okhla Industrial Estate,

Phase-III, New Delhi-110020

(9) Digicable Comm. Services Pvt. Ltd

3B, Camac Street Kolkata-700016

WEST BENGAL

(10) GTPK Kolkata Cable and Broadband Priseva Ltd

86, Golaghata Road,

Ganga Apartment, 6th Floor Kolkata-700048

(11) Hathway Cable and DataCom Pvt. Ltd

“Rahejas” 4th Floor,

Corner of Main Avenue & V P road,

Santacruz West Mumbai – 400054

(12) Home Cable Network

16 & 19 CSC (DDA), Sukhdev Vihar,  
New Delhi- 110025

(13) Home Systems Pvt. Ltd.

A-17, Gaurav Annex, R.R.T. Road, Mulund(West),  
Mumbai - 400 081

(14) Indusind Media & Communications Ltd.

IN Centre, 49/50 MIDC, 12th Road,  
Andheri (East) Mumbai - 400 093

(15) Indian Cable Net Company

J/15, 4th Floor, Block EP, Sector-V,  
Salt Lake Electronics Complex,  
Kolkata-700 091.

(16) Inspire Infratech Pvt. Ltd.

Plot No.18, 2nd Floor, East Avenue Market,  
East Punjabi Bagh, New Delhi.

(17) JPR Channel

301, Ganesh Niwas, 3rd Floor,  
Opp. Vallabh Vidhyalya Sion (W),  
Mumbai -400022

(18) Manthan Broadband Services Pvt. Ltd.

6, Ganesh Chandra, Avenue IIIrd Floor,

Kolkata-700013 (W.B)

(19) Meghbela Cable & Broadband Services (P) Ltd

35B/1B, Raja Naba Krishna Street,

Kolkata-700005.

(20) Novabase Digital Entertainment Pvt. Ltd.

226B/5, 3rd Floor, Krishna Place,

Prakash Mohalla, East of Kailash, New Delhi-110067

(21) Satellite Channels Pvt. Ltd.

E-68, 3rd Floor, Lajpat Nagar-I,

New Delhi-110024

(22) Scod18 Networking Private Limited

Plot No. 97, Marol Co-Operative Industrial Estate,

Makwana, Andheri(E) Mumbai-400059

(23) Seven Star Dot Com Pvt. Ltd.

3, Mini Jewel, JP Raod, Veersova,

Andheri (W), Mumbai-400 061

(24) Siti Cable Network Ltd.

1st Floor, FC-09, Gate No.3, Sector 16A,

Film City, Noida -201301

(25) Star Broadband Services (I) Pvt. Ltd.

19/48, Malcha Marg, Commercial Complex,

Chankyapuri, New Delhi-110021

(26) Digicable Network (India) Pvt. Ltd.

B-8, Marol Industrial Area, Next of MIDC Police Station,

Andheri (E), Mumbai -93

(27) DEN ADN Network Pvt. Ltd.

11/15, East Patel Nagar,

New Delhi-110008

(28) CCN DEN Network Pvt. Ltd.

C-1/9, Krishna Nagar,

Delhi-110051

(29) Gujarat Telelink Pvt. Ltd.

202, Sahajanand Shoppint Centre,

Opp :- Swaminarayan Mandir,

Shahibaug, Ahmedabad-380004.