



भारतीय दूरसंचार विनियामक प्राधिकरण  
TELECOM REGULATORY AUTHORITY OF INDIA

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सत्यमेव जयते

Dated the 11<sup>th</sup> March 2013

**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 (24 of 1997) read with regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), to bar the porting transactions of the Licensees who discontinued their services subsequent to Hon'ble Supreme Court order.

No. 102-11/2012-NSL-II(Pt.) ----- 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, 1997), 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 had, in exercise of the powers conferred by section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) [hereinafter

referred to as the regulations] applicable to the access service providers providing Unified Access Services and Cellular Mobile Telephone Service;

3. And whereas M/s Syniverse Technologies (India ) Pvt. Ltd. and M/s MNP Interconnection Telecom Solutions India Pvt. Ltd were issued Mobile Number Portability service license by the Department of Telecom and the effective date of License is 20th March 2009;

4. And whereas the clause 20.3 of MNP service License Agreement states that *“the LICENSEE shall in no case provide MNP service to any Telecom Service Provider whose licence is either terminated or suspended or not in operation at any point of time but shall continue to maintain Data Base and provide MNP service to their subscribers. The Licensee shall keep the LICENSOR indemnified from any claim arising out of such Telecom Service Provider or third party.”*;

5 And whereas the Hon’ble Supreme Court has, vide its judgment dated 2nd Feb, 2012 in Writ Petition (Civil) No. 423 of 2010 and Writ petition (Civil) No. 10 of 2011, inter-alia, held as under –

“81. ....

(i) “The licences granted to the private respondents on or after 10.1.2008 pursuant to two press releases issued on 10.1.2008 and subsequent allocation of spectrum to the licensees are declared illegal and are quashed.

(ii) The above direction shall become operative after four months.

.....  
.....”

6. And whereas the Hon’ble Supreme Court, vide it’s orders dated 24<sup>th</sup> April 2012 and 27<sup>th</sup> August 2012, allowed service providers of the quashed licensees to continue their services upto the 18<sup>th</sup> January 2013 and vide it’s

