



सत्यमेव जयते

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



DIRECTION

Dated: 24th July 2019

Subject: Direction to M/s Independent TV Ltd 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 of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services.

No. 4-2/2019-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 (24 of 1997) [hereinafter referred to as "TRAI Act, 1997"], has been entrusted with discharge of certain functions, inter-alia, to regulate the telecommunication services; fix the terms and conditions of inter-connectivity between the service providers; 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 interest of the consumers of telecommunication service;

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

(a) issued in exercise of powers conferred by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, 1997 and

(b) published under notification number S.O.44(E) dated the 9th 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:-

(a) The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, [Tariff Order 2017];

(b) The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [Interconnection Regulation 2017];

(c) The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [QoS Regulation 2017].

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4. And whereas the Authority, vide its Press Note dated the 3rd July 2018, informed the stakeholders that various timelines prescribed in the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 shall commence with effect from 3rd July 2018;

5. And whereas the new regulatory framework comprising of the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 became applicable with effect from 29th December 2018;

6. And whereas in order to protect the interest of the consumers and to ensure smooth transition to the new regulatory regime, the Authority, vide the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Amendment) Regulations, 2018 permitted the continuance of the existing packs, plans and bouquets upto 31st January, 2019 and directed all distributors of television channels to offer and obtain the option for subscription of new packs, plans or bouquets from the subscribers on or before 31st January, 2019 and ensure that services to the subscribers, after the 31st January, are provided as per the new packs, plans or bouquets opted for subscription by the subscribers;

7. And whereas regulation 6 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

“6. Subscription of channels/ bouquets.— *Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, activate requested channel or bouquet available on its platform, as soon as possible, but not later than seventy two hours:*

Provided that the charges for requested channel or bouquet shall be payable by the subscriber from the date of activation of such channel or bouquet.”

8. And whereas regulation 8 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 reads as under:

“8. Notice of discontinuation and change in the nature of channel.— (1) *Every distributor of television channels shall inform its subscribers about any change in the nature of a channel available on its platform, at least fifteen days prior to the scheduled change, by running scrolls in the concerned channel on television screen and such information shall also be disseminated through customer care programming service.*

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(2) No distributor of television channels shall discontinue any channel available on its platform without giving a prior notice of at least fifteen days to its subscribers by running scrolls in the concerned channel on television screen and such notice shall also be displayed on customer care programming service:

Provided that nothing contained in this sub-regulation shall apply in case the discontinuance of the channel has been caused by natural calamities or any technical failure."

9. And whereas the Authority, vide its letter no. 4-2/2019-B&CS dated 22nd February 2019, informed M/s Independent TV Ltd that it has been brought to the notice of the Authority through various complaints that M/s Independent TV Limited is collecting money from the consumers and is delaying installation and activation of their connection. In some of the cases, where installation and activation is not carried out at all, the amount paid by the consumer remains pending and not refunded for a long period of time.

10. And whereas M/s Independent TV Ltd through their letter dated 24th February 2019, has, *inter-alia* informed that they have been addressing grievances of the consumers in timely manner and refunding the advances to the customers who have been requesting such refund.

11. And whereas the Authority, after analysing the response submitted by M/s Independent TV Ltd, instructed M/s Independent TV Ltd vide its letter no. 4-2/2019-B&CS dated 26th March 2019 to ensure that the new regulations are followed in letter and spirit with no violation and that all the new connections booked are provided in time-bound manner.

12. And whereas M/s Independent TV Ltd through their letter dated 1st April 2019, has, *inter-alia* informed that there are no connection request(s) pending beyond 7 days as on 31st March 2019.

13. And whereas the Authority is in receipt of numerous consumer complaints, wherein the subscribers have complained that M/s Independent TV Ltd has discontinued channels opted for by the subscribers and that the operator is neither providing services to the consumers despite collecting the money in advance nor any refund has been made to the consumers.

14. 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 Independent TV Ltd to provide the information on the following issues for the last six months ending on 30th June 2019:

- a) How many connection requests are pending beyond 7 days after receipt of payments/subscription from the consumers;
- b) How many complaints are still pending regarding refund not provided;



- c) In how many cases the refund has been provided to the consumer due to non-provision of services despite collecting the money in advance. Give the number of cases alongwith the amount refunded;
- d) Whether any channel has been removed from your platform without giving prior intimation to the consumer. Give details, if any;
- e) Whether the services have been resumed after the blackout issue;
- f) Whether any rebate has been provided to the affected subscribers during the blackout period. If yes, how much rebate has been provided.

and adhere to the various provisions of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 and Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and also submit the information on the issues raised above, within (05) days from the date of issue of this direction.

Sumeet
24/7/19
(Sumeet Hemrajani)
Dy. Advisor (B&CS)

To,

Shri Vivek Prakash
Chief Executive Officer
M/s Independent TV Ltd
Corporate Office,
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