



भारतीय दूरसंचार विनियामक प्राधिकरण  
TELECOM REGULATORY AUTHORITY OF INDIA

भारत सरकार / Government of India

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Date: 14<sup>th</sup> February 2017

**DIRECTION**

**Subject: Direction under section 13, read with sub-clause (i) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 on ensuring compliance of the terms and conditions of Unified Access Service License and 'Continuity of Service' to subscribers by M/s Quadrant Televentures Limited**

No.102-1/2017-NSL-II----- 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 compliance of terms and conditions of licence; ensure technical compatibility and effective inter-connection between different service provider; 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 to be provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas M/s Quadrant Televentures Ltd hereinafter referred to as QTL, vide their letter No. QTL/Reg/TRAI/1701/196 dated the 16<sup>th</sup> January

*Ram Lal*

2017, inter-alia, informed that keeping in view the requirement of Clause 10.3 of Unified Access Service License (UASL), they had issued a notice of 30 calendar days to each of its subscribers intimating them discontinuation of commercial services on midnight of the 15<sup>th</sup> February 2017 and requesting them to port out to operator of their choice;

3. And Whereas M/s QTL has, vide their letter No. QTL/Reg/TRAI/1701/196 dated the 16<sup>th</sup> January 2017, also informed that the QTL subscribers who were acquired and those who have ported into their network from other operators having Age On Network (AON) less than 90 days may not be able to port out from QTL due to rejection from MNP Service Providers;

4. And Whereas M/s QTL has, vide their letter No. QTL/Reg/TRAI/1701/196 dated the 16<sup>th</sup> January 2017, made the following requests to the Authority:-

- (i) To issue suitable instructions to the MNP service providers to allow port out of customers with AON less than 90 days from QTL network; and
- (ii) To allow the validity of the UPC codes expiring on midnight of 15<sup>th</sup> February 2017 for another 60 days;

5. And whereas clause 10.3 of UASL held by M/s QTL reads as under:-

*“Licensee may surrender the License, by giving notice of atleast 60 calendar days in advance. In that case it shall also notify all its customer of consequential withdrawal of service by sending a 30 calendar days notice to each of them. The Licensee shall pay all fees payable by it till the date on which the surrender of License becomes effective. The effective date of surrender of Licence will be 60 calendar days counted from the date of receipt of such notice by the licensor.”*

6. And whereas the Authority, on the basis of its understanding of the conditions of UASL, that M/s QTL cannot discontinue its commercial services until it has surrendered its Licence, fulfilling the conditions laid

down under clause 10.3 of the UASL, vide its letter No. 102-1/2017-NSL-II dated the 30<sup>th</sup> January 2017, quoting the clause 10.3 of the UASL, requested M/s QTL to inform whether it has given 60 days notice to the Licensor for surrender of license;

7. And whereas M/s QTL, vide their letter No. QTL/Reg/TRAI/1702/214 dated the 8<sup>th</sup> February 2017 in response to TRAI's letter No. 102-1/2017-NSL-II dated 30<sup>th</sup> January 2017, informed as under:-

*"We would like to inform you that Quadrant Televentures Limited ("QTL") is unable to surrender the Unified Access Services License ("UASL") due to the reason that we are continuing wireline services under current UASL which is valid till 30<sup>th</sup> September 2017. We have accordingly informed the DoT regarding closure of only the GSM mobile services and not any other telecom services. A copy of the said was also provided to TRAI (Copy of the letter attached again herewith).*

*Further we have to state that we are also unable to surrender the Spectrum as our rights in respect of the same are subject matter of our petition bearing No. 56 of 2016 dated 14<sup>th</sup> Sept. 2016 before the Hon'ble TDSAT and therefore present is sub-judice.*

*We would further like to bring in your kind notice that on the mid-night of 15.02.2017 (i.e. 7 days from now) GSM mobile services of QTL in Punjab Service area will suspend as we have notified in our letter referred above and therefore we request you to kindly approve MNP waiver at the earliest for the subscribers with QTL Network as a period of less than 90 days for smooth port-out on other operators network to avoid any inconvenience and resultant grievances to them to migrate on other operators network for which QTL should not be held responsible in any manner".*

8. And whereas the clause 30.3 of the UASL reads as:

*"The LICENSEE shall ensure continuity of services to its customers unless License is Terminated or Suspended by the Licensor **for any reason whatsoever.**"*

(Emphasis supplied)



9. And whereas the clause 10.8 of UAS License, inter-alia, provides that it is the responsibility of the Licensee to maintain Quality of Service and reads as under:-

*"It shall be the responsibility of the LICENSEE to maintain the Quality of Service, even during the period when the notice for surrender/ termination of LICENSE is pending and if the Quality of Service is not maintained, during the said notice period, it shall be liable to pay damages....."*

10. And whereas in view of the above, the Authority is of the opinion that the UASL permits closure of service only if the Licence is surrendered or is terminated or suspended by the Licensor; Since none of these eventualities have occurred in the instant case, the conditions of UASL do not permit M/s QTL to discontinue its commercial services as per the Licence;

11. Now, therefore, in exercise of power conferred upon it under section 13 read with sub-clause (i) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1994), the Authority hereby directs M/s Quadrant Televentures Limited to comply with all the provisions of the Unified Access Service License, ensure continuity of service to its subscribers and maintain the quality of service till its license is operational and to furnish the compliance report to the Authority within a period of two days from the date of issue of this direction.

 14/02/17  
(Sanjeev Banzal)

**Advisor (Networks, Spectrum & Licensing)**

To,  
**Shri Arvind Bali,**  
**Chief Executive Officer,**  
M/s. Quadrant Televentures Ltd,  
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