



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



DIRECTION

Dated: 27th August 2019
28th

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

No. 12-36/2019-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"], has been entrusted to discharge 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 service 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 Regulations 2017];

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

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 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 dated 28th December 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, 2019 are provided as per the new packs, plans or bouquets opted for subscription by the subscribers;

7. And whereas sub-regulation (3) of regulation 25 of the Quality of Service and Consumer Protection (QoS) Regulations, 2017 read as under:

“25. Customer care centre. —

(3) Every distributor of television channels shall ensure that the Interactive Voice Response System is operated in the following manner,-

(a) the first level of the Interactive Voice Response System provides for language selection;

(b) the second level of the Interactive Voice Response System provides for options relating to the broad categories of complaints and service requests;

(c) the third level of the Interactive Voice Response System provides for a sub-menu under service and complaint requests, separately; Provided that the sub-menu in the third level shall also contain an option enabling the

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8. And whereas sub-regulations (2), (3) & (4) of regulation 31 of the Quality of Service (QoS) Regulations, 2017 read as under:

31. Establishment of website. — ..

(2) Every distributor of television channels shall provide a hyperlink for “consumer corner” on the home page of the website which shall be clearly visible and noticeable to visitors without scrolling the page.

(3) The consumer corner hyperlink referred to in sub-regulation (2) shall point to another web page where the information in accordance with Schedule II of these regulations shall be made available.

(4) The web page referred in sub-regulation (3), shall also have a provision for login to the subscribers to access information specific to such subscriber in accordance with Schedule III of these regulations.

9. And whereas Clause 11.1 of Model Interconnect Agreement (MIA) under Schedule V and Standard Interconnect Agreement (SIA) under Schedule VI of Interconnection Regulations 2017, inter-alia, provides that, each party shall ensure that the applicable Laws, rules and regulations related to taxes are complied with;

10. And whereas the Authority, on receipt of complaints from the consumers, LCOs and their associations carried out audit inspection through M/s BECIL, into the Head-end, CAS, SMS and the network system etc. of M/s GTPL Hathway Ltd under section 12 of the TRAI Act, read with regulation 21 of the Interconnection Regulations, 2017;

11. And whereas based on the inspection report submitted by BECIL to the Authority, a letter dated 14th June 2019 was issued to M/s GTPL Hathway Ltd to submit the compliance to the shortcomings/discrepancies noticed during the audit within fifteen days of the issue of the letter.

12. And whereas on scrutiny of the reply received from M/s GTPL Hathway Ltd, it was found that it still does not comply with the New Regulatory Framework, 2017, on the following points:

- IVRS facility of M/s GTPL Hathway Ltd. does not have provision for complaint registration
- The consumer portal of M/s GTPL KCBPL has very limited facilities. The facility of upgradation and modifications in subscription is not available on consumer portal.
- LCOs without GST Registration are collecting tax amount from the subscribers but not depositing it.

13. 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 GTPL Hathway Ltd to resolve the issues mentioned in para 12 above and adhere to the provisions of the Telecommunication (Broadcasting and Cable) Services Interconnection

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(Addressable Systems) Regulations, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 and to report compliance as per the new regulatory framework within seven days from the date of issue of this direction.



(Anil Kumar Bhardwaj)
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To,

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