



RJIL/TRAI/2025-26/617

7th November 2025

To,

Shri Vijay Kumar,
Advisor (Financial & Economic Analysis)
Telecom Regulatory Authority of India,
Tower-F, World Trade Centre,
Nauroji Nagar, New Delhi – 110029.

Subject: RJIL's comments on TRAI's Draft 'The Telecommunication Tariff (Seventy Second Amendment) Order, 2025'.

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the TRAI's **Draft 'The Telecommunication Tariff (Seventy Second Amendment) Order, 2025'** dated 16.10.2025.

Thanking you,

Yours Sincerely,
For **Reliance Jio Infocomm Limited**

Kapoor Singh Guliani
Authorized Signatory

Enclosure: As above

**Reliance Jio Infocomm Limited (RJIL) Comments on TRAI's Draft
Telecommunication Tariff (Seventy Second Amendment) Order, 2025**

A. Preliminary Observation

1. At the outset, it is respectfully submitted that the proposed amendment to enhance the financial disincentive for delayed reporting of tariff plans runs contrary to the Government's broader policy direction towards *ease of doing business*, *compliance simplification*, and *decriminalisation of minor procedural defaults* as embodied in the **Jan Vishwas (Amendment of Provisions) Act, 2023** and the proposed **Jan Vishwas Bill 2.0**.
2. While the Government is progressively moving towards rationalising and simplifying regulatory compliance, the proposed amendment by TRAI seeks to introduce stringent and disproportionate financial disincentives for minor reporting delays—an approach that is inconsistent with the reformist intent of the Central Government.

B. Background and Current Framework

3. Under the *Telecommunication Tariff Order, 1999* (as amended from time to time), service providers are mandated to report tariffs to the Authority within seven working days of implementation. This system has functioned effectively for several years, with TRAI already empowered to call for clarifications or take corrective action where necessary.
4. Although the provisions relating to financial disincentives are *ultra vires* the TRAI Act, the industry has, till date, refrained from challenging them, as these were understood to serve merely as a deterrent against habitual or deliberate non-compliance rather than as a punitive measure.
5. The proposed enhancement—imposing ₹10,000 per day for the first seven days, ₹20,000 per day thereafter, subject to a cap of ₹5 lakh—would disproportionately penalise even inadvertent delays, without any demonstrated regulatory necessity or corresponding public benefit.

C. Reasonableness and Proportionality of Penalties

6. The proposed escalation of financial disincentives is excessive and lacks proportionality with the nature of the default.
7. Tariff reporting is an *administrative compliance requirement* and not an act involving any financial loss to the exchequer or harm to consumers.
8. In cases where the tariff itself complies with all regulatory principles (transparency, non-discrimination, non-predation), delay in filing does not cause material prejudice to the market or to TRAI.

9. Therefore, the imposition of such heavy penalties would amount to an unreasonable restriction on business operations and would violate the principles of proportionality recognised under Indian administrative law.

D. Alignment with Government Policy and Legislative Intent

10. The Government's ongoing efforts through the **Jan Vishwas Act** and proposed **Jan Vishwas Bill 2.0** underscore a clear commitment to *decriminalising, rationalising, and simplifying* regulatory obligations.
11. Introducing punitive or revenue-linked penalties for minor procedural lapses would be inconsistent with:
- The Central Government's declared objective of *Ease of Doing Business*;
 - The *Telecommunication Act, 2023*, which focuses on proportionality and simplification; and
 - TRAI's own stated role as a *facilitator of orderly growth and fair competition* in the sector.
12. Hence, TRAI's tariff amendment must be reoriented towards promoting compliance through cooperation and guidance, not punishment.

E. Legal and Jurisdictional Concerns

13. **Absence of express statutory power:** The *TRAI Act, 1997* does not confer upon the Authority any power to impose pecuniary penalties or "financial disincentives" by way of delegated legislation. Sections 11 and 36 empower TRAI to issue regulations, directions, and orders but do not authorise the creation of fiscal liabilities. Accordingly, the proposed financial disincentive provisions are **ultra vires** the parent statute.
14. **Violation of principles of delegated legislation:** Delegated legislation cannot exceed the scope or purpose of the enabling Act. Imposing a high-value disincentive unrelated to actual loss or damage amounts to exercising punitive power not conferred by law.

F. Potential for Unintended Consequences and Litigation

15. The proposed amendment, if notified in the current form, will likely lead to:
- Unnecessary litigation and challenges on grounds of *vires, arbitrariness, and proportionality*;
 - Increased compliance anxiety among service providers; and
 - Regulatory uncertainty inconsistent with India's investor-friendly policy environment.

16. This would, in effect, negate the progress achieved through the Government's broader deregulation and simplification agenda.

G. Lack of Transparency in draft amendment

17. Transparency is a key regulatory principle espoused by the Authority and as per the TRAI Act, the Authority is required to ensure transparency while exercising its powers and discharging its functions. However, the draft amendment fails the test of transparency, as it fails to tabulate why this change is warranted and how the increase in Financial Disincentives will lead to better compliance. Neither any data is provided on the number of violations and action taken by the Authority to address the same, nor any justification is provided on how the change in FDs will improve compliance. Thus, evidently, the draft amendment is not transparent and consequently legally untenable.

H. Recommendations

18. Although the provisions relating to financial disincentives are *ultra vires* the TRAI Act, but in view of the foregoing, it is respectfully recommended that TRAI should:

- I. **Retain or rationalise** the current ceiling and rates of financial disincentive to ensure proportionality;
- II. **Treat first-time or inadvertent delays as minor procedural lapses** without financial disincentive;
- III. **Limit disincentive only to repeated or deliberate defaults**, and at a level that is reasonable;
- IV. **Ensure alignment** with the *Jan Vishwas* reforms and the *Ease of Doing Business* agenda by avoiding punitive compliance burdens; and
- V. Clarify that such provisions are **not intended to generate revenue**, but merely to encourage timely compliance.

I. Conclusion

19. In conclusion, the proposed amendment to Clause 7 of the *Telecommunication Tariff Order, 1999* is legally unsustainable, disproportionate, and contrary to the Government's policy direction. TRAI is therefore urged to **reconsider and revise** the proposed penalty structure to make it consistent with the principles of *reasonableness, proportionality, and policy alignment* under the *Jan Vishwas* framework.