

**TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION**

New Delhi, the 23rd September, 2009

No. 116-4/2009-MN(Vol.II) ----- In exercise of the powers conferred by sub-section (1) of section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of subsection (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

**TELECOMMUNICATION MOBILE NUMBER PORTABILITY REGULATIONS, 2009(8 of
2009)**

**CHAPTER I
Preliminary**

1. Short title and commencement.- (1) These regulations may be called the Telecommunication Mobile Number Portability Regulations, 2009.

(2) (a) Except as otherwise provided in clause (b), these regulations shall come into force from the date of their publication in the Official Gazette.

¹[(b) Regulations 6, 7, 8, 9, 10, 11, 12 and 13 of these regulations shall come into force in Haryana service areas on the 25th November, 2010:

Provided that regulations 6, 7, 8, 9, 10, 11, 12 and 13 of these regulations shall come into force in different service areas, as may be specified by direction issued by the Authority, from time to time]].

2. Definitions.- In these regulations, unless the context otherwise requires,-

(a) "Access Provider" means the holder of a Cellular Mobile Telephone Service licence or Unified Access Service licence ³[or Unified licence (access service) or unified licence having authorization to provide access service] ⁴[or Unified License (Virtual Network Operator) having authorization to provide access service] and includes a service provider providing fixed wireline or fixed wireless service in addition to Cellular Mobile Telephone Service;

(b) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

⁵[(ba) "authorized signatory" means the person authorized by a body corporate, firm or any organization or body to make request in writing for the porting of corporate mobile phone number allotted to such body corporate, firm organization or body;]

⁶[(bb) ancillary service charge means the charge paid to the Mobile Number Portability Service provider at the rate specified by the Authority from time to time and includes the charges to be paid by--

- (i) the Number Range Holder for facilitating return of the mobile number after disconnection due to any reason including non-payment;
- (ii) the Access Provider for downloading the Number Portability database;
- (iii) the Donor operator for execution of porting withdrawal request of its subscriber;
- (iv) the Recipient Operator for facilitation of reconnection of ported subscriber in its network;

¹ Subs. by the First Amendment Regulations, 2010, reg. 1(2) (w.e.f. 28.01.2010), for the following: "(b) Regulations 6, 7, 8, 9, 10, 11, 12 and 13 of these regulations shall come into force on:

(i) the 31st December, 2009 in respect of Metro and Category 'A' licensed service areas; and
(ii) the 20th March, 2010 in respect of other licensed service areas."

² Subs. by the Second Amendment Regulations, 2010, reg. 1(3) (w.e.f. 24.11.2010), for the following: "(b) Regulations 6, 7, 8, 9, 10, 11, 12 and 13 of these regulations shall come into force on the 31st March, 2010. "

³ Ins. by the Sixth Amendment Regulations, 2015, reg. 2(a) (w.e.f. 03.05.2015)

⁴ Ins. by the Seventh Amendment Regulations, 2018, reg. 2(a) (w.e.f. 16.12.2019)

⁵ Ins. by the Fifth Amendment Regulations, 2013, reg. 2(a) (w.e.f. 20.10.2013)

⁶ Ins. by the Seventh Amendment Regulations, 2018, reg. 2(b) (w.e.f. 16.12.2019)

- (v) the Donor Operator for facilitation of disconnection of the mobile number of the postpaid subscriber who has not cleared the dues of the Donor Operator after porting his number;]
- (c) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;
- ¹[(ca) "corporate mobile number" means the mobile number allotted in the name of a body corporate, firm or any organization or body;]
- (d) "dipping" means use of query response system of the Mobile Number Portability service provider for obtaining Location Routing Number for routing a message to the called number;
- (e) "Donor Operator" "means ²[an Access Provider], to whose network the mobile number belongs at the time the subscriber makes a request for porting;
- (f) "Local Number Portability Database" means the database of all ported mobile numbers maintained by an Access Provider and an International Long Distance Operator;
- (g) "Location Routing Number" means the code assigned to every Access Provider for the purpose of implementing Mobile Number Portability;
- (h) "message" shall have the meaning assigned to it in clause (3) of section 3 of the Indian Telegraph Act, 1885 (13 of 1885);
- (i) "Mobile Number Portability" means the facility which allows a subscriber to retain his mobile telephone number when he moves from one Access Provider to another irrespective of the mobile technology or from one cellular mobile technology to another of the same Access Provider;
- (j) "Mobile Number Portability Service provider" means an entity who has been granted a licence under Section 4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing Mobile Number Portability Service;
- ³[(ja) "Mobile Number Portability zone" or "MNP zone" means the zones contained in the Annexure-VI of the licence agreement for the Mobile Number Portability Service;
- (jb) "mobile number range" means the number series allocated by the licensor to an Access Provider ⁴[for the licenced service area];]
- ⁵[(jc) "Network Service Operator" means the operator defined under the Unified License (Virtual Network Operator) which owns the telecom core network and provides core network service to the Virtual Network Operator to connect different parts of the access network and gateway to other networks;]
- (k) "No Service Period" means the period of time between the disconnection of the mobile telephone service to the porting subscriber by the Donor Operator and the activation of mobile telephone service, on porting, by the Recipient Operator;
- (l) "Number Portability Database" means the database maintained by each Mobile Number Portability Service provider in electronic form, holding the details of all ported mobile numbers in its zone, along with the complete history of all transactions relating to the porting of such numbers;
- (m) "Number Range Holder" means an Access Provider who was originally allotted, by the

¹ Ins. by the Fifth Amendment Regulations, 2013, reg. 2(b) (w.e.f. 20.10.2013)

² Subs. by the Seventh Amendment Regulations, 2018, reg. 2(c) (w.e.f. 16.12.2019), for the following: "a Cellular Mobile Telecom Service provider or Unified Access Service provider"

³ Ins. by the Sixth Amendment Regulations, 2015, reg. 2(b) (w.e.f. 03.05.2015)

⁴ Subs. by the Seventh Amendment Regulations, 2018, reg. 2(d) (w.e.f. 16.12.2019), for the following: "in an MNP zone"

⁵ Ins. by the Seventh Amendment Regulations, 2018, reg. 2(e) (w.e.f. 16.12.2019)

licensor, that number range to which the ported number belongs;

(n) "Per Port Transaction charge" means the charge payable by the Recipient Operator to the Mobile Number Portability Service provider for ¹[²processing the porting request]] in respect of a mobile number;

(o) "porting" means the process of moving, by a subscriber, of his mobile number or numbers, as the case may be, from one Access Provider to another Access Provider or from one mobile technology to another of the same or any other Access Provider;

(p) "porting charge" means such charge as may be levied by a Recipient Operator from a subscriber for porting his mobile number;

(q) "Recipient Operator" means an Access Provider who will be providing mobile telecommunication service to the subscriber after porting and includes his authorized agent;

(r) "regulations" means the Telecommunication Mobile Number Portability Regulations, 2009;

(s) "subscriber" means any person or legal entity that avails the mobile telecommunication service from a licensed telecom Access Provider;

(t) "unique porting code" means an alphanumeric code allocated, upon request, ³[by the Mobile Number Portability Service Provider of the Zone to which the mobile number belongs to] its subscriber for the purpose of facilitation of porting of his mobile number;

(u) all other words and expressions used in these regulations but not defined, and defined in the Indian Telegraph Act, 1885 (13 of 1885) and the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and the rules and other regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules or such other regulations, as the case may be.

3. Limits on Portability.— (1) ⁴[* * * *]

(2) Mobile Number Portability will be applicable only to cellular mobile telephone numbers which incorporate a Public Land Mobile Network (PLMN) Access Code.

CHAPTER- II

Mobile Number Portability

4. Obligation to provide Mobile Number Portability.— Every Access Provider shall facilitate in its entire network, Mobile Number Portability to all subscribers, both pre-paid and post-paid and shall, upon request, provide the same on a non-discriminatory basis.

⁵**5. Obligation to set up mechanism for allocation of unique porting code.**— (1) Every Access Provider shall set up, in its mobile network, a mechanism for the purpose of receiving Short Message

¹ Subs. by the Seventh Amendment Regulations, 2018, reg. 2(f) (w.e.f. 16.12.2019) for the following: "processing the porting request"

² Subs. by the Eighth Amendment Regulations, 2019, reg. 2 (w.e.f. 11.11.2019) for the following: "each successful porting"

³ Subs. by the Seventh Amendment Regulations, 2018, reg. 2(g) (w.e.f. 16.12.2019), for the following: "by an Access Provider"

⁴ Del. the words "The Mobile Number Portability shall be limited to within a given licensed service area;" by the Sixth Amendment Regulations, 2015, reg. 3 (w.e.f. 03.05.2015)

⁵ Subs. by the Seventh Amendment Regulations, 2018, reg. 3 (w.e.f. 16.12.2019), for the following:

"5. Obligation to set up mechanism for allocation of unique porting code.- Every Access Provider shall, within sixty days from the date of these regulations coming into force, set up, in its mobile network, a mechanism for the purpose of—

(a) receiving Short Message Service (SMS) messages from its subscribers requesting for a unique porting code;

(b) allocating a unique porting code for each such request and communicating it to the subscriber forthwith through Short Message Service (SMS) message through an automated process; and

(c) retaining such unique porting number on its records for the purpose of verification of the porting request of such subscriber to be received eventually by it from the Mobile Number Portability Service provider.

⁶[Provided that the Access Provider shall -----

(a) identify and allot a distinct identification code to all the corporate mobile numbers available in its subscriber data base; and

(b) in case of a request for simultaneous porting of more than one corporate mobile numbers, allocate separate unique porting code for each corporate mobile number.]"

⁶ Ins. by the Fifth Amendment Regulations, 2013, reg. 3 (w.e.f. 20.10.2013)

Service (SMS) from its subscribers requesting for a unique porting code and forwarding the same to the Mobile Number Portability zone to which the mobile number belongs;

(2) Every Mobile Number Portability service provider shall set up, in its network, a mechanism for the purpose of--

- (a) receiving requests for unique porting code forwarded by the Donor Operator as per sub-regulation (1) of regulation 5;
- (b) checking from the database of the Donor Operator through query response mechanism, on the applicable grounds of rejection of request for Unique porting code;
- (c) allocating a unique porting code for each such request and communicating it to the subscriber forthwith through Short Message Service; and
- (d) retaining such unique porting code on its records for the purpose of verification of the porting request of such subscriber to be received from the Recipient Operator.

Provided that the Mobile Number Portability service provider shall -----

- (a) identify and allot a distinct identification code denoted with prefix 'C' for the request received from the distinct corporate mobile numbers; and
- (b) in case of a request for simultaneous porting of more than one corporate mobile numbers, allocate separate unique porting code for each corporate mobile number.]

6. Eligibility Criteria for making a porting request.— Every subscriber shall be eligible to make a request for porting his mobile number:

Provided that—

- (a) a period of ninety days has expired from the date of activation of his mobile connection in the case of a mobile number not ported earlier; or from the date of activation of his mobile number after its last porting, in the case of a mobile number which has been ported earlier, as the case may be;
- (b) there are no outstanding payments due to the Donor Operator by way of pending bills or bills, as the case may be, issued as per the normal billing cycle but before the date of application for porting;
- (c) there is no pending request for change of ownership of the mobile number;
- (d) the mobile number sought to be ported is not sub-judice;
- (e) porting of the concerned mobile number has not been prohibited by a Court of Law.
- ¹[(f) no corporate mobile number shall be ported unless the porting request in respect of such number is accompanied by an authorization letter from the authorized signatory of the subscriber in the format annexed to these regulations;
- (g) the porting request, in case of corporate mobile number, does not seek simultaneous porting of more than fifty mobile numbers;
- (h) the porting request, if made for more than one corporate mobile number, such numbers belong to the same Donor Operator.]

²[Provided further that nothing contained in para (a) of the first proviso shall apply to the subscribers of those service providers whose licences stand quashed pursuant to the judgment and order passed by the Hon'ble Supreme Court in writ petition (civil) No. 423 of 2010 and writ petition (civil) No. 10 of 2011.]

¹ Ins. by the Fifth Amendment Regulations, 2013, reg. 4 (w.e.f. 20.10.2013)

² Ins. by the Third Amendment Regulations, 2012, reg. 2 (w.e.f. 08.06.2012)

¹[6A. **Process to be performed by Mobile Number Portability Service provider before allocating unique porting code.**— (1) Upon receipt of the request for unique porting code, the concerned Mobile Number Portability Service provider shall check the following conditions from its database whether:-

(a) the mobile number has been ported earlier and, if so, a period of ninety days has not elapsed from the date of its last porting;

(b) porting request is already in process for the same mobile number; and

(c) unique porting code has already been issued and not expired yet.

(2) Where Mobile Number Portability Service provider finds that the clause (a) or (b) or (c) mentioned in sub-regulation (1) are applicable, the Mobile Number Portability Service provider shall not generate unique porting code and shall communicate the reason of non-generation of unique porting code to the subscriber through SMS.

(3) Where Mobile Number Portability Service provider finds that the clause (a) and (b) and (c) mentioned in sub-regulation (1) are not applicable, it shall check immediately on real time basis from the database of Donor Operator whether:-

(a) the number is a Corporate mobile number;

(b) there are outstanding payments due from the post paid subscriber by way of pending bill, issued as per the normal billing cycle but before the date of request for unique porting code;

(c) the porting request has been made before the expiry of a period of ninety days from the date of activation of a new connection;

(d) a request for change of ownership of mobile number is under process;

(e) the mobile number sought to be ported is sub-judice;

(f) porting of the mobile number has been prohibited by a court of law;

(g) there are subsisting contractual obligations in respect of which an exit clause has been provided in the subscriber agreement but the subscriber has not complied with such exit clause;

(4) The Donor Operator shall ensure that its query response mechanism provides the response, as sought by the Mobile Number Portability Service provider under sub-regulation (3) on real time basis.

(5) The Mobile Number Portability Service provider shall retain the information obtained by it under sub-regulation (3) for taking necessary action, on receipt of the porting request of the subscriber, from Recipient Operator.

(6) If the Mobile Number Portability Service provider finds that the request of the subscriber is not covered under the grounds contained in the clauses (b) to (g) of sub-regulation (3), it shall allocate unique porting code to the subscriber and communicate the same to the subscriber through SMS:

Provided that the unique porting code shall be prefixed by 'C' for corporate mobile number.

(7) If the Mobile Number Portability Service provider is not able to check the information from the database of the Donor Operator, as provided in the sub-regulation (3), for any technical reason, it shall send an SMS to the subscriber acknowledging his request for unique porting code informing him that delivery of unique porting code is delayed due to technical reason and the same shall be delivered shortly:

Provided that where Mobile Number Portability Service provider finds that unique porting code cannot be generated due to technical issues, it shall immediately send alert message to the Donor Operator raising the docket for such technical issue and shall again query the database of the Donor Operator immediately on

¹ Ins. by the Seventh Amendment Regulations, 2018, reg. 4 (w.e.f. 16.12.2019)

resolution of technical issues.

(8) When any one or more of the conditions contained in clauses (b) to (g), provided under sub-regulation (3) of regulation 6A, are applicable for the mobile number under porting, the Mobile Number Portability Service provider shall not issue unique porting code to the subscriber and shall inform the mobile subscriber through SMS, the reasons for non-generation of unique porting code and retain such records for a minimum period of six months.]

7. Request for porting of mobile number.— (1) Every subscriber desirous of porting his mobile number shall make a request in writing to the concerned Recipient Operator in such format as may be specified by such Recipient Operator.

(2) The porting request form as specified by the Recipient Operator shall, *inter alia*, incorporate—

(a) the eligibility criteria as specified in regulation 6;

(b) the grounds for rejection as specified in regulation 12;

(c) in the case of a postpaid subscriber, an undertaking by the subscriber that he has already paid all dues as per the last bill to the Donor Operator and that he shall be bound to pay all dues to the Donor Operator pertaining to the mobile number sought to be ported till its eventual porting and that he understands and agrees that in the event of non-payment of any such dues to the Donor Operator, the ported mobile number shall, without prejudice to any other remedies available to the Donor Operator under law for recovery of such dues, be liable to be disconnected by the Recipient Operator;

(d) in the case of a pre-paid subscriber, an undertaking by the subscriber to the effect that he understands and agrees that, upon porting of the mobile number, the balance amount of talk time, if any, at the time of porting shall lapse;

(e) such details of the subscriber as mandated by the licensor or by the Authority from time to time.

(3) Each porting request shall be accompanied by

(a) a customer acquisition form as specified by the Recipient Operator accompanied by all documents as applicable to a new subscriber; ¹[]

(b) a copy of the last bill, in the case of a postpaid subscriber; ²[and]

³[(c) in case of corporate mobile number, an authorisation letter from the authorised signatory of the subscriber permitting such porting;]

⁴[(4) The subscriber shall, with his request for porting, pay the porting charge, if any, for each mobile number sought to be ported.]

⁵**[8. Action by Recipient Operator.**— (1) The Recipient Operator shall, upon receipt of the porting

¹ Del. the word “and” by the Fifth Amendment Regulations, 2013, reg.5(a)(i) (w.e.f. 20.10.2013)

² Ins. by the Fifth Amendment Regulations, 2013, reg. 5(a)(ii) (w.e.f. 20.10.2013)

³ Ins. by the Fifth Amendment Regulations, 2013, reg. 5(a)(iii) (w.e.f. 20.10.2013)

⁴ Subs. by the Fifth Amendment Regulations, 2013, reg. 5(b) (w.e.f. 20.10.2013), for the following: “The subscriber shall, with his request for porting, pay the porting charge, if any.”

⁵ Subs. by the Seventh Amendment Regulations, 2018 (dated 13.12.2018), reg. 5 (w.e.f. 16.12.2019) for the following:

“8. Action by Recipient Operator.— (1) The Recipient Operator, upon receipt of the porting request from a subscriber, shall verify if the customer acquisition form is accompanied by all documents specified in regulation 7.

(2) The Recipient operator shall record in the customer acquisition form that he has seen the subscriber and verified his documents with their respective originals and found them to be in order

(3) The Recipient Operator shall thereupon ask the subscriber to send a message through SMS to a specified short code of the Donor Operator from the subscriber’s mobile number which is sought to be ported.

(4) Upon receipt of the message from the subscriber, the Donor operator shall forthwith send back a reply message through an automated system generated SMS containing a unique porting code.

(5) Upon receipt of the unique porting code from the Donor Operator, the subscriber shall incorporate the same in the porting request form.

(6) The Recipient Operator shall, within a period of twenty four hours, forward the mobile number, the corresponding unique porting code and

request from a subscriber, ask him to send a message through SMS to a specified Short Code of the Donor Operator from the mobile number of the subscriber, which is sought to be ported.

(2) Upon receipt of the unique porting code from the Mobile Number Portability Service provider, the subscriber shall incorporate the same in the porting request form.

(3) The Recipient Operator shall, upon receipt of the porting request from the subscriber along with unique porting code allocated to the mobile number, verify the Customer Acquisition Form to ensure that it is accompanied by all the documents specified in regulation 7.

(4) The Recipient Operator shall, record in the Customer Acquisition Form that he has seen the subscriber and verified his documents with their respective originals and found them to be in order.

(5) The Recipient Operator shall, within a period of twenty four hours, forward the mobile number, the corresponding unique porting code and the date on which porting request is made by the subscriber, to the Mobile Number Portability Service provider of MNP zone to which the mobile number range holder of number under porting belongs and also send a SMS to the subscriber, as soon as the port request is initiated, informing him about submission of his request for porting.

(6) In case of corporate mobile number, the Recipient Operator shall also forward to the Mobile Number Portability Service provider of MNP zone to which the mobile number range holder of the number under porting belongs, a scanned copy of the authorisation letter issued by the authorized signatory permitting the porting of such mobile number:

Provided that for the corporate mobile number, the time period for forwarding the mobile number etc. to the Mobile Number Portability Service provider shall be forty eight hours from the receipt of porting request:

Provided further that forwarding of a copy of authorisation letter permitting porting of more than one and maximum upto hundred mobile numbers, in case of corporate mobile number, shall be sufficient for the purpose of sub- regulation (6):

Provided also that in calculating the period of twenty four hours specified in sub-regulation (6) and forty eight hours specified in second proviso, the intervening Sundays and Public Holidays declared under the Negotiable Instrument Act, 1881 (26 of 1881) shall be excluded.

the date on which porting request is made by the subscriber, to the ¹[Mobile Number Portability Service Provider of MNP zone to which the mobile number range holder of number under porting belongs]:

²[Provided that in case of corporate mobile number, the Recipient Operator shall also forward to the Mobile Number Portability Service provider ³[of MNP zone to which the mobile number range holder of the number under porting belongs], a scanned copy of the authorization letter issued by the authorized signatory permitting the porting of the such mobile number:

Provided further that for the corporate mobile number, the time period for forwarding the mobile number etc. to the Mobile Number Portability Service provider shall be forty eight hours from the receipt of porting request:

Provided also that in calculating the period of twenty four hours specified in sub-regulation (6) and forty eight hours specified in second proviso, the intervening Sundays and Public Holidays declared under the Negotiable Instrument Act, 1881 (26 of 1881) shall be excluded:

Provided also that forwarding of one copy of authorization letter permitting porting of more than one mobile number, in case of corporate mobile number, shall be sufficient for the purposes of sub- regulation (6).]

⁴[(7) The Recipient Operator shall be liable to pay Per Port Transaction charge in respect of each mobile number forwarded by it to the mobile number portability service provider]

Provided that the Recipient Operator shall be liable to pay Per Port Transaction charge in respect of each porting request forwarded by it to the Mobile Number Portability Service provider.”

¹ Subs. by the Sixth Amendment Regulations, 2015, reg. 4(a) (w.e.f. 03.05.2015), for the following: “concerned Mobile Number Portability Service provider”

² Subs. by the Fifth Amendment Regulations, 2013, reg. 6(a) (w.e.f. 20.10.2013), for the following: “Provided that while calculating twenty four hours as specified in this sub-regulation, intervening Sundays and public holidays declared under the Negotiable Instrument Act, 1881 (No. 26 of 1881) shall be excluded.”

³ Ins. by the Sixth Amendment Regulations, 2015, reg. 4(b) (w.e.f. 03.05.2015)

⁴ Subs. by the Fifth Amendment Regulations, 2013, reg. 6(b) (w.e.f. 20.10.2013), for the following: “(7) The Recipient Operator shall be liable to pay Per Port Transaction charge in respect of each porting request forwarded by it to the Mobile Number Portability Service provider”

¹[(7) The Recipient Operator shall be liable to pay Per Port Transaction charge for each porting request of the mobile number to the Mobile Number Portability Service provider as notified by the Authority from time to time.

(8) The Recipient Operator shall be liable to comply with the Quality of Service parameters, as specified by the Authority from time to time.]]

²**[9. Action by Mobile Number Portability Service provider.—** (1) Upon receipt of the request for unique porting code, the concerned Mobile Number Portability Service provider shall check from its database whether:-

- (a) the mobile number has been ported earlier and, if so, a period of ninety days has not elapsed from the date of its last porting;
- (b) porting request is already in process for the same mobile number;
- (c) unique porting code has already been issued and not expired yet.

(2) Where Mobile Number Portability Service provider finds that the conditions (a) or (b) or (c) under sub-regulation (1) are applicable, it shall not generate unique porting code and shall communicate the reason of non-generation of unique porting code to the subscriber through SMS.

(3) Where Mobile Number Portability Service provider finds that the conditions (a) and (b) and (c) under sub-regulation (1) are not applicable, it shall check for the conditions (a) to (g) contained in sub-regulations (3) of regulation 6A.

(4) If the Mobile Number Portability Service provider finds that the request of the subscriber is not covered under the grounds contained in clauses (b) to (g) of sub-regulation (3) of regulation 6A, it shall allocate unique porting code to the subscriber and communicate the same to the subscriber through SMS.

(5) If the Mobile Number Portability Service provider is not able to check the information from the database of the Donor Operator, as provided in the sub-regulation (3) of regulation 6A, for any technical reason, it shall send an SMS to the subscriber acknowledging his request for unique porting code and informing him that delivery of unique porting code is delayed due to technical reason and the same shall be delivered shortly:

Provided that where Mobile Number Portability Service provider finds that unique porting code cannot be generated due to technical issues, it shall immediately send alert message to the Donor Operator raising the docket for such technical issues and shall again query the database of the Donor Operator immediately on

¹ Subs by the Eighth Amendment Regulations, 2019, reg. 3 (w.e.f. 11.11.2019) for the following:

“(7) The Recipient Operator shall be liable to pay Per Port Transaction charge for each successful porting of the mobile number to the Mobile Number Portability Service provider:

Provided that the Recipient Operator shall be liable to comply with the Quality of Service parameters, as specified by the Authority from time to time.”

² Subs. by the Seventh Amendment Regulations, 2018, reg. 6 (w.e.f. 16.12.2019), for the following:

“**9. Action by Mobile Number Portability Service provider.—**(1) On receipt of the details of the porting request under sub-regulation (6) of regulation 8, the Mobile Number Portability Service provider shall verify from its Number Portability Database whether the mobile number has been ported earlier and, if so, whether a period of ninety days has elapsed from the date of its last porting.

(2) Where a period of ninety days from the date of last porting has not elapsed, the Mobile Number Portability Service provider shall not take any action on the request and shall inform the Recipient Operator accordingly and the Recipient Operator shall communicate the same to the concerned subscriber.

(3) In all other cases, the Mobile Number Portability Service provider shall verify whether any porting request in respect of the same mobile number is already pending and, if so, it shall reject the current request for porting and communicate such rejection to the Recipient Operator who forwarded such request, who shall, thereupon, communicate the same to the concerned subscriber.

(4) In case there is no pending porting request in respect of the same mobile number, the Mobile Number Portability Service provider shall forthwith forward ³[the details of such request, along with scanned copy of the authorization letter in case of corporate mobile number, to the Donor Operator for porting].”

³ Subs. by the Fifth Amendment Regulations, 2013, reg. 7 (w.e.f. 20.10.2013), for the following: “the details of such request to the Donor Operator for seeking his clearance for such porting”

resolution of technical issues.

(6) When any of the conditions contained in clause (b) to (g) of sub-regulation (3) of regulation 6A are applicable for the mobile number under porting, the Mobile Number Portability Service provider shall not issue unique porting code to the subscriber and shall inform the subscriber through SMS, the reasons for non-generation of unique porting code and retain such records for a minimum period of six months.

(7) Upon receipt of the porting request from the Recipient Operator, the Mobile Number Portability Service provider shall verify whether:-

- (a) porting request is not in process for the same mobile number;
- (b) unique porting code received along with the porting request matches with the unique porting code generated from its database for the mobile number under porting;
- (c) unique porting code is valid on the date of receipt of porting request.

(8) Where any of the conditions contained in clauses (a), (b) and (c) under sub-regulation (7), is not affirmative, the Mobile Number Portability Service provider shall reject the current request for porting and communicate such rejection to the Recipient Operator and the concerned subscriber along with the reasons of such rejection.

(9) Upon successful validation of the conditions contained in clauses (a), (b) and (c) under sub-regulation (7), the Mobile Number Portability Service provider shall:-

(a) in all cases except corporate mobile numbers, schedule and forthwith forward such request to Donor Operator for porting on completion of two working days for intra- licensed service area porting requests and on completion of four working days for all inter-licensed service area porting requests and inform the subscriber, through SMS, the porting schedule and the port withdrawal window available to him for twenty four hours from the time of receipt of porting request;

(b) for the corporate mobile numbers, where the unique porting code is prefixed with 'C', forthwith, forward the details of such request, along with scanned copy of the authorization letter received from the Recipient Operator to the Donor Operator for clearance of its porting and inform the subscriber through SMS, the port withdrawal window available to him for twenty four hours from the time of receipt of porting request;

(c) upon clearance of the porting request made under the clause (b) of sub-regulation (9) of the regulation by Donor Operator, within the time limits as specified in regulation 10, schedule the porting within the next thirty six hours and inform the subscriber through SMS;

(d) upon non-clearance of the porting request made under the clause (b) of sub-regulation (9) of the regulation by Donor Operator, inform the subscriber through SMS the reasons for rejection of such porting request and retain the records for a minimum period of twelve months;

(e) for the porting request made under the clause (b) under sub-regulation (9) of regulation 9, within the time limits as specified in regulation 10, in case no response is received from Donor Operator on the porting request, schedule the porting within the next thirty six hours and inform the subscriber through SMS:

Provided that while calculating two working days and four working days, respectively, for intra-licensed service area porting requests and inter-licensed service area porting requests, intervening Sundays and public holidays declared under the Negotiable Instrument Act., 1881 (No. 26 of 1881) shall be excluded:

Provided further that for the cases where unique porting code has been generated with prefix 'C' but authorization letter is not forwarded by recipient operator along with the porting request and also in the cases wherein the unique porting code is not prefixed with 'C' but the authorization letter is forwarded by recipient operator, no action on such requests shall be taken by Mobile Number Portability Service provider and it shall inform the subscriber and recipient operator accordingly:

Provided also that the Mobile Number Portability Service provider shall be liable to comply with the Quality of Service parameters, as specified by the Authority from time to time.]

¹**[10. Action by Donor Operator.**— (1) The Donor Operator shall establish a query response mechanism in its network to enable the Mobile Number Portability Service provider to access the database of the Donor Operator on real time basis to query the conditions listed in clauses (a) to (g) under sub-regulation (3) of regulation 6A.

(2) Upon receipt of the details of porting request under the clause (b) of sub-regulation (9) of regulation 9, the Donor Operator shall, within four working days, verify such details and communicate to the Mobile Number Portability Service provider, where it finds that the porting request is covered under the ground (i) specified for corporate mobile number under regulation 12, that -

(a) it has objection to the porting of the mobile number from its network; or

(b) it has no objection for clearance of porting request of the mobile number:

Provided that while calculating four working days as specified in this sub-regulation, intervening Sundays and public holidays declared under the Negotiable Instrument Act., 1881 (No. 26 of 1881) shall be excluded:

Provided further that the Donor Operator shall be liable to comply with the Quality of Service parameters, as specified by the Authority from time to time.]

11. Porting of mobile number.— (1) Upon receipt of the communication from the Donor Operator under regulation 10, the Mobile Number Portability Service provider shall—

²(a) where the Donor Operator has indicated the ground of rejection of the porting request under the clause (a) of sub-regulation (2) of regulation 10, forthwith communicate the ground of rejection to the mobile subscriber through SMS and send a copy for information to the Recipient Operator.]

(b) where the Donor Operator has indicated his clearance to the porting request under clause (b) of regulation 10, or has failed to communicate either its clearance or its objection for the porting of the mobile number, as the case may be within the time specified under regulation 10, forthwith fix the date and time of porting of such mobile number and communicate it, along with details of anticipated No Service Period, simultaneously to the Donor Operator and the Recipient Operator.

(c) The Mobile Number Portability Service provider shall fix the date and time of porting under clause (b) in such manner that the porting shall be within thirty six hours from the time of receipt of the clearance from the Donor Operator under clause (b) ³[of sub-regulation (2)] of regulation 10 or the expiry of the time limit specified in regulation 10, as the case may be.

Provided that in ⁴[case the Recipient Operator belongs to] Jammu and Kashmir, Assam and North East licensed service areas, the date and time for porting to be fixed under clause (c) by the Mobile Number

¹ Subs. by the Seventh Amendment Regulations, 2018, reg. 7 (w.e.f. 16.12.2019), for the following:

“10. Action by Donor Operator.— Upon receipt of the details of porting request under sub-regulation (4) of regulation 9, the Donor Operator shall, within ⁴[four working days], verify such details and communicate to the Mobile Number Portability Service provider—

(a) where it finds that the porting request is covered under any of the grounds of rejection of porting requests as specified in regulation 12, the details of the specific ground or grounds, as the case may be, on which it has any objection to the porting of the number from its network; or

(b) where it finds that the porting request is not covered under any of the grounds of rejection of porting requests as specified in regulation 12, its clearance for the porting of the mobile number:

Provided that while calculating ³[four working days] as specified in this sub-regulation, intervening Sundays and public holidays declared under the Negotiable Instrument Act, 1881 (No. 26 of 1881) shall be excluded.”

² Subs. by the Seventh Amendment Regulations, 2018, reg. 8(a) (w.e.f. 16.12.2019), for the following: “(a) where the Donor Operator has indicated the grounds for rejection of the porting request under clause (a) of regulation 10, forthwith communicate the same to the Recipient Operator; or”

³ Ins. by the Eighth Amendment Regulations, 2019, reg. 4(a) (w.e.f. 11.11.2019)

⁴ Subs. by the Second Amendment Regulations, 2010, reg. 2 (w.e.f. 24.11.2010), for the following: “twenty four hours”

⁴ Ins. by the Sixth Amendment Regulations, 2015, reg. 5 (w.e.f. 03.05.2015)

Portability Service provider shall be within ten days from the date of receipt of the clearance from the Donor Operator under clause (b) ¹[of sub-regulation (2)] of regulation 10 or the expiry of the time limit specified in regulation 10, as the case may be.

(2) Where the Mobile Number Portability Service provider has communicated the grounds for rejection as indicated by the Donor Operator to the Recipient Operator under clause (a) of sub-regulation (1), the Recipient Operator shall communicate the same, in writing or through SMS, to the concerned subscriber.

(3) Where the Mobile Number Portability Service provider has communicated the date and time of porting of such mobile number and the anticipated No Service Period under clause (b) of sub-regulation (1) to the Donor Operator and to the Recipient Operator, the Recipient Operator shall communicate the same to the subscriber telephonically or through SMS or through an automated voice message.

(4) At the date and time of porting fixed by the Mobile Number Portability Service provider, the Mobile Number Portability Service provider shall communicate to the Donor Operator its instructions for disconnection of the mobile number and the Donor Operator shall, immediately and in any case within ²[two hours] of receipt of such instructions,—

(a) comply with such instructions; and

(b) report compliance of such instructions to the Mobile Number Portability Service provider.

(5) Upon receipt of the report of compliance under sub-regulation (4) from the Donor Operator or the expiry of ⁴[two hours] as specified in sub-regulation (4), whichever is earlier the Mobile Number Portability Service provider shall communicate to the Recipient Operator its instructions for activation of the mobile number;

(6) Upon receipt of the instructions for activation of the mobile number the Recipient Operator shall, immediately and in any case within ⁴[two hours] of receipt of such instructions,—

(a) comply with such instructions; and

(b) report compliance of such instructions to the Mobile Number Portability Service provider;

(7) Upon receipt of the report of compliance under sub-regulation (6) from the Recipient Operator, the Mobile Number Portability Service provider shall allocate the corresponding Location Routing Number to the ported number in the Number Portability Database and broadcast the updated Location Routing Number along with the ported mobile number to all Access Providers and International Long Distance Operators who shall update their respective Local Number Portability Database.

³[(7a) The Mobile Number Portability Service provider shall, on receipt of request for download of Number Portability Database from Access Providers, other than new operators, permit such downloads from its system and Access Provider shall pay for the charges for such download to the Mobile Number Portability Service provider at the rate specified by the Authority from time to time.]

12. Grounds for rejection of porting request by Donor Operator.—A request for porting of a mobile number shall not be rejected by a Donor Operator on any ground other than the following grounds, namely:—

(a) ⁴[* * * *]

¹ Ins. by the Eighth Amendment Regulations, 2019, reg. 4(b) (w.e.f. 11.11.2019)

² Subs. by the Fourth Amendment Regulations, 2012, reg. 2 (w.e.f. 18.11.2012), for the following: “one hour”

³ Ins. by the Seventh Amendment Regulations, 2018, reg. 8(b) (w.e.f. 16.12.2019)

⁴ Del. the words “there are outstanding payments due from the subscriber by way of pending bill or bills, as the case may be, issued as per the normal billing cycle but before the date of application for porting;” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

(b)¹[* * * * *]

²[* * * * *]

(c)³[* * * * *]

(d)⁴[* * * * *]

(e)⁵[* * * * *]

(f)⁶[* * * * *]

(g)⁷[* * * * *]

(h)⁸[* * * * *]

⁹(i) in case of a corporate mobile number, the porting request is not accompanied by authorization letter from the authorized signatory of the subscriber;

¹⁰(j) [* * * * *]

¹¹[Provided that while rejecting a request for porting, on ¹²[ground specified in clause (i)], each corporate mobile number shall be treated separately:

Provided further that if the Donor Operator rejects a porting request on the grounds specified in ¹³[clause (i)], he shall indicate the full details of the grounds on which the porting request has been rejected and retain a copy of such records for a minimum period of six months.]

¹⁴[**13. Withdrawal of porting request.**— (1) A subscriber may withdraw the porting request by

¹ Del. the words “the porting request has been made before the expiry of a period of ninety days from the date of activation of a new connection;” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

² Del. the words “Provided that nothing contained in clause (b) shall apply to the subscribers of those service providers whose licences stand quashed pursuant to the judgment and order passed by the Hon’ble Supreme Court in writ petition (civil) No. 423 of 2010 and writ petition (civil) No. 10 of 2011.” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

³ Del. the words “a request for change of ownership of the mobile number is under process;” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

⁴ Del. the words “the mobile number sought to be ported is sub-judice;” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

⁵ Del. the words “porting of the mobile number has been prohibited by a Court of Law;” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

⁶ Del. the words “subscriber has applied for inter-service area porting;” by the Sixth Amendment Regulations, 2015, reg. 6 (w.e.f. 03.05.2015)

⁷ Del. the words “the unique porting code mentioned in the porting request does not match with the unique porting code allocated by the Donor Operator for the mobile number sought to be ported;” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

⁸ Del. the words “there are subsisting contractual obligations in respect of which an exit clause has been provided in the subscriber agreement but the subscriber has not complied with such exit clause;” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

⁹ Ins. by the Fifth Amendment Regulations, 2013, reg.8(a) (w.e.f. 20.10.2013)

¹⁰ Del. the words “the validity period of the Unique Porting Code has expired before its receipt by the Donor Operator” by the Seventh Amendment Regulations, 2018, reg. 9(a) (w.e.f. 16.12.2019)

¹¹ Subs. by the Fifth Amendment Regulations, 2013, reg.8(b) (w.e.f. 20.10.2013), for the following: “Provided that where the Donor operator rejects a porting request on the ground of subsisting contractual obligations, he shall indicate the full details of such contractual obligations.”

¹² Subs. by the Seventh Amendment Regulations, 2018, reg. 9(b), for the following: “any grounds specified in clause (a) to (j)”

¹³ Subs. by the Seventh Amendment Regulations, 2018, reg. 9(c) (w.e.f. 16.12.2019), for the following: “clauses (h) and (i)”

¹⁴ Subs. by the Seventh Amendment Regulations, 2018, reg. 10 (w.e.f. 16.12.2019), for the following:

“13. Withdrawal of porting request.—(1) A subscriber may, within twenty four hours of making a request for porting, withdraw such request by informing the Recipient Operator in writing:
Provided that a subscriber withdrawing his porting request shall not be entitled to any refund of the porting charge paid by him to the Recipient Operator.

(2) Where the Recipient Operator has not forwarded the porting request to the Mobile Number Portability Service provider till receipt of the information regarding withdrawal of the request, it shall not take any further action on such porting request.

(3) In case the Recipient Operator has already forwarded the porting request to the Mobile Number Portability Service provider, before receipt of the information regarding withdrawal of the request, it shall forthwith inform the Mobile Number Portability Service provider about the withdrawal of the porting request and the Mobile Number Portability Service provider shall forthwith inform the Donor Operator about the withdrawal of the porting request.

(4) In cases covered under sub regulation (3), the Recipient Operator shall be liable to pay the applicable Per Port Transaction charge to the Mobile Number Portability Service provider.”

informing the Mobile Number Portability Service Provider through SMS to the specified Short Code, within the twenty four hours of withdrawal window as communicated by Mobile Number Portability Service provider.

(2) Where the Mobile Number Portability Service provider finds that the request for withdrawal has been received from the subscriber within twenty four hours of submitting of porting request to Mobile Number Portability Service provider by the Recipient Operator, it shall terminate the porting, invalidate the unique porting code for future porting, and shall inform Donor Operator, Recipient Operator and subscriber; provided that Donor Operator shall be liable to pay charges for such cancellation to the Mobile Number Portability Service provider at the rate specified by the Authority from time to time.

(3) In case the Mobile Number Portability Service provider receives the request for withdrawal of the porting after twenty four hours of submitting of porting request to Mobile Number Portability Service provider by the Recipient Operator, it shall inform the subscriber through SMS that the time for withdrawal of the porting request has expired and shall proceed with the scheduled date and time of de-activation and activation as per clause (a), (c) and (e) of the sub-regulation (9) of regulation 9.]

CHAPTER- III **Rights and Obligations of Service Providers**

14. Rights and obligations of Donor Operator.—(1) The Donor Operator shall continue to provide all subscribed telecommunication services to the subscriber who has sought porting of his mobile number till the disconnection of the mobile number in accordance with the provisions of sub- regulation (4) of regulation 11.

(2) Upon disconnection of a mobile number, the Donor Operator shall refund to the subscriber, within such time frame and in such manner as specified in the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) as may be amended from time to time, all amounts due to such subscriber on account of refundable payments or deposits made by such subscriber to the Donor Operator.

(3) The Donor Operator shall maintain records of all mobile numbers ported out by it and all mobile numbers for which porting requests have been rejected by it for a minimum period of twelve months from the date of porting or the date of rejection of request, as the case may be.

(4) In case of non-payment of any outstanding bill issued to the subscriber after the porting request, for the services availed till the disconnection of the mobile number from the network of the Donor Operator, within such time as specified in such bill, the Donor Operator shall give a notice of not less than seven days to the subscriber, notifying him that in case of non-payment within the said notice period, the Donor Operator shall request the Recipient Operator to disconnect the ported number.

¹[Provided that no notice shall be given after thirty days from the last date of payment mentioned in the outstanding bill.]

(5) In case after expiry of such period such subscriber fails to make payments as specified in the notice, the Donor Operator shall communicate ²[within thirty days] the details of such outstanding bills ³[including date of the bill, last date of payment, date of the notice and period of notice given to the subscriber] to the Recipient Operator through the Mobile Number Portability Service provider with an advice to take action for disconnecting the ported number.

⁴[Provided that no communication for disconnection of ported number shall be given to the Mobile Number Portability Service Provider after sixty days from the last date of payment mentioned in the outstanding bill.]

¹ Ins. by the Sixth Amendment Regulations, 2015, reg. 7(a) (w.e.f. 03.05.2015)

² Ins. by the Sixth Amendment Regulations, 2015, reg. 7(b) (w.e.f. 03.05.2015)

³ Ins. by the Seventh Amendment Regulations, 2018, reg. 11 (w.e.f. 16.12.2019)

⁴ Ins. by the Sixth Amendment Regulations, 2015, reg. 7(c) (w.e.f. 03.05.2015)

15. Rights and obligations of Recipient Operator.— (1) The Recipient Operator shall pay to the Mobile Number Portability Service provider, the Per Port Transaction charge ¹[and subscriber reconnection charge] at the rate as specified by the Authority from time to time, within fifteen days of receipt of the bill from the Mobile Number Portability Service provider or within such other time limit as may be mutually agreed upon.

(2) The Recipient Operator shall maintain records in respect of all mobile numbers for which porting requests have been rejected, for a minimum period of twelve months from the date of rejection of such requests.

(3) Where a request is made by the Donor Operator under sub-regulation (5) of regulation 14 for disconnecting the ported number, the Recipient Operator shall issue a notice ²[of fifteen days] to the concerned subscriber, ³[* * * *] about the request received from the Donor Operator and calling upon such subscriber to produce evidence of having settled such outstanding dues with the Donor Operator within such notice period and in case the subscriber produces such evidence of having settled such dues, the Recipient Operator shall not take any further action in pursuance of the notice and shall inform the Donor Operator accordingly through Mobile Number Portability Service provider.

⁴[(4) In case, the subscriber fails to provide evidence of having settled the outstanding dues with the Donor Operator within the time so allowed in the notice under sub-regulation (3), the Recipient Operator shall immediately bar all outgoing services on the mobile number of such subscriber except accessibility to emergency services as specified in the licence agreement of the service provider;

Provided that if the subscriber furnishes evidence to the Recipient Operator regarding payment made to the Donor Operator, within fifteen days from the date of barring of outgoing services, the services of the subscriber shall be restored with immediate effect;

Provided further that, in case the subscriber fails to make payment referred to in the first proviso, the Recipient Operator shall disconnect the mobile number of the subscriber and inform the Mobile Number Portability Service Provider of the action taken by it with request for reversal of such number to the Number Range Holder after expiry of sixty days.]

⁵[Provided also that in case subscriber makes the payment, referred in the first proviso, and furnishes evidence of such payment to Recipient Operator within sixty days of its disconnection, the services of the subscriber shall be restored immediately and Recipient Operator shall inform the Mobile Number Portability Service provider of such restoration and recall its request for reversal of such mobile number to its Number Range Holder.]

(5) In case, after porting of a mobile number to the Recipient Operator's network, there is disconnection of the mobile number for any reason other than the reason specified in sub-regulation (4), the Recipient Operator shall, after ⁶[sixty days] of such disconnection, inform the Mobile Number Portability Service provider about such disconnection with a request for reversal of such mobile number to the Number Range Holder.

16. Rights and obligations of Mobile Number Portability Service provider. — (1) The Mobile Number Portability Service provider shall make all efforts to facilitate expeditious porting of mobile numbers through effective coordination with the Donor Operator and the Recipient Operator.

¹ Ins. by the Seventh Amendment Regulations, 2018, reg. 12(a) (w.e.f. 16.12.2019)

² Ins. by the Sixth Amendment Regulations, 2015, reg. 8(a)(i) (w.e.f. 03.05.2015)

³ Del. the words "the period of which shall be not less than seven days and not more than fifteen days," by the Sixth Amendment Regulations, 2015, reg. 8(a)(ii) (w.e.f. 03.05.2015)

⁴ Subs. by the Sixth Amendment Regulations, 2015, reg. 8(b) (w.e.f. 03.05.2015), for the following: "(4) In case, before expiry of the period specified in the notice under sub-regulation (3), the subscriber fails to provide evidence of having settled such outstanding dues with the Donor Operator, the Recipient Operator shall disconnect the mobile number of such subscriber and inform the Mobile Number Portability Service provider forthwith about the disconnection of such mobile number and request for reversal of such mobile number to the Number Range Holder after expiry of ninety days."

⁵ Ins. by the Seventh Amendment Regulations, 2018, reg. 12(b) (w.e.f. 16.12.2019)

⁶ Subs. by the Sixth Amendment Regulations, 2015, reg. 8(c) (w.e.f. 03.05.2015), for the following: "ninety days"

(2) The Mobile Number Portability Service provider shall use the Number Portability Database only for the purpose of porting¹[, allocating and verifying the unique porting code] and dipping andnot for any other purpose.

(3) The Mobile Number Portability Service provider shall generate specific sets of statistics regarding the number of porting requests received, the number of portings carried out successfully andthe number of failed porting requests with reasons for failures.

²[(3)(a) The Mobile Number Portability Service provider shall generate reports regarding the number of requests received for unique porting code from the mobile subscribers, the number of unique porting code successfully allocated and the number of requests where no response or delayed response was received from the Donor Operator or any other reports required by the Authority from time to time.]

(4) Upon receipt of a communication under sub-regulation (4) of regulation 15 or under sub- regulation (5) of regulation 15, from the Recipient Operator about disconnection of a ported mobile number, the Mobile Number Portability Service provider shall forthwith—

(a) remove the number from its Number Portability Database;

(b) update the Local Number Portability Databases of all the Access providers andInternational Long Distance Operators; and

(c) restore the mobile number to the Number Range Holder.

(5) The Mobile Number Portability Service provider shall raise bills along with the relevant details in respect of Per Port Transaction charges to the concerned Recipient Operators on a monthly basis and shall deliver such bills to the concerned Recipient Operators for each month before the tenthday of the following month or at such periodic intervals and within such time limits as may be mutually agreed upon.

³[(5a) The Mobile Number Portability Service provider shall send bills along with the relevant details of charges for facilitation of reconnection of ported subscriber in its network to the concerned Recipient Operator on a monthly basis and shall deliver such bills to the concerned Recipient Operators for each month before the tenth day of the following month or at such periodic intervals and within such time limits, as may be mutually agreed upon.

(5b) The Mobile Number Portability Service provider shall send bills along with the relevant details of charges for downloading the Number Portability Database to the concerned Access Provider on a monthly basis and shall deliver such bills to the concerned Access Provider for each month before the tenth day of the following month or at such periodic intervals and within such time limits as may be mutually agreed upon.

(5c) The Mobile Number Portability Service provider shall send bills along with the relevant details of charges for execution of porting withdrawal request of its subscriber to the concerned DonorOperator on a monthly basis and shall deliver such bills to the concerned Donor Operator for each month before the tenth day of the following month or at such periodic intervals and within such time limits as may be mutually agreed upon.

(5d) The Mobile Number Portability Service provider shall send bills along with the relevant details of the charges for facilitating return of the mobile number after disconnection due to any reason including non-payment, to the number range holder for each month before the tenth day of the following month or at such periodic intervals and within such time limits as may be mutually agreed upon.]

(6) In case a Recipient Operator fails to pay the bill for Per Port Transaction charges ⁴[and subscriber reconnection charges] within the time limit specified in sub-regulation (1) of regulation 15, the Mobile

¹ Ins. by the Seventh Amendment Regulations, 2018, reg. 13(a) (w.e.f. 16.12.2019)

² Ins. by the Seventh Amendment Regulations, 2018, reg. 13(b) (w.e.f. 16.12.2019)

³ Ins. by the Seventh Amendment Regulations, 2018, reg. 13(c) (w.e.f. 16.12.2019)

⁴ Ins. by the Seventh Amendment Regulations, 2018, reg. 13(d) (w.e.f. 16.12.2019)

Number Portability Service provider, before taking any action, shall issue a notice to such Recipient Operator, the period of which shall be not less than fifteen days, calling upon such Recipient Operator to make payment of the outstanding dues within such period.

(7) Notwithstanding the issue of notice to the Recipient Operator under sub-regulation (6), the Mobile Number Portability Service provider shall in no case discontinue the provision of Mobile Number Portability Service to such defaulting Recipient Operator.

¹[(8) In case of rejection of porting request of a corporate mobile number on the grounds specified in clause (i) of regulation 12, the Mobile Number Portability Service provider shall retain the scanned copy of the authorization letter for a minimum period of six months.]

17. Obligations of Access Providers, National Long Distance Operators and International Long Distance Operators.— (1) All existing interconnect agreements or arrangements between Access Providers, National Long Distance Operators and International Long Distance Operators shall, upon the coming into force of these regulations, stand amended so as to conform to the provisions of these regulations as regards routing of calls to and from ported mobile numbers.

(2) Every Access Provider and every International Long Distance Operator providing carriage service to any Access Provider shall, within thirty days of coming into force of these regulations or before commencement of Access Service or carriage service as the case may be, shall establish fail- proof connectivity from its Mobile Number Portability gateway to the main and Disaster recovery sites of the Mobile Number Portability Service providers at its own cost:

Provided that—

(a) an Access Provider having licenses in more than one licensed service area may establish such fail-proof connectivity to the main and Disaster recovery sites of the Mobile Number Portability Service providers common for all its licensed service areas; and

(b) an Access Provider, who is also an International Long Distance Operator providing carriage service to any Access Provider, may establish such fail-proof connectivity to the main and Disaster recovery sites of the Mobile Number Portability Service providers common for all its licensed services and share its Local Number Portability Database across its various licensed activities for the purpose of implementing Mobile Number Portability Service:

Provided further that no Access Provider or International Long Distance Operator providing carriage service to any Access Provider shall share its Local Number Portability Database with another Access Provider or International Long Distance Operator:

Provided further that a service provider who is sharing its Local Number Portability Database across its licensed activities shall ensure that such sharing of Local Number Portability Database enables it to directly route messages to ported mobile numbers.

(3) Every Access Provider on whose network a message originates shall be responsible for the correct routing of such message.

(4) In case of international incoming messages, the International Long Distance Operator carrying such messages shall be responsible for correct routing of messages.

(5) Every Access Provider and International Long Distance Operator shall put in place suitable mechanism for safeguarding the data provided by porting subscribers from unauthorized interception or unauthorized access and shall ensure that such data is used solely for the purpose of porting of mobile numbers and shall not use such data for any other purpose:

¹ Ins. by the Fifth Amendment Regulations, 2013, reg. 9 (w.e.f. 20.10.2013)

Provided that the provisions of this sub-regulation shall not prevent such Access Providers from providing such data or access to such data for monitoring purposes to the designated security agencies.

¹[CHAPTER III A FINANCIAL DISINCENTIVES FOR CONTRAVENTION OF THE PROVISIONS OF THE REGULATIONS

²[**17A. Consequence for contravention of the provisions of regulation 6A, or regulation 8, or regulation 9 or regulation 10 or regulation 11 or regulation 12.**— (1) If any Access Provider or Mobile Number Portability Service provider contravenes the provisions of sub-regulation (5) of regulation 8, or sub-regulation (9) of regulation 9 or sub-regulation (2) of regulation 10 or sub-regulation (4) of regulation 11 or sub-regulation (6) of regulation 11, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding five thousand rupees for each contravention, as the Authority may, by order direct.

(2) If any Access Provider or Mobile Number Portability Service provider contravenes the provisions of regulation 6A or sub-regulation (1) of regulation 10 or regulation 12, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, direction issued, thereunder, be liable to pay an amount, by way of financial disincentive not exceeding ten thousand rupees for each wrongful rejection of the request for porting, as the Authority may, by order direct.

(3) No order for payment of an amount by way of financial disincentive under sub-regulation (1) and sub-regulation (2) shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.]

17B. Deposit of amount payable by way of financial disincentive under these regulations.— The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by order by the Authority.]

CHAPTER- IV MISCELLANEOUS

18. Power of Authority to issue directions for specifying time limits for various activities for implementing number portability.— (1) Without prejudice to any of the provisions of the Act, or any other regulations made under the Act or directions issued thereunder, the Authority may, from time to time, issue such directions as it may deem fit to the service providers on any aspect of Mobile Number Portability for which provisions have been made in these regulations.

19. Inspection and Auditing.— (1) The Authority may, if it considers it expedient so to do, and to ensure compliance of the provisions of these regulations, by order, in writing, direct any of its officers or employees or an independent agency appointed by the Authority, to inspect any records maintained by a service provider under these regulations or get such records audited.

¹ Ins. by the Fourth Amendment Regulations, 2012, reg. 3 (w.e.f. 18.11.2012)

² Subs. by the Seventh Amendment Regulations, 2018, reg. 14 (w.e.f. 16.12.2019), for the following:

“17A. Consequence for contravention of the provisions of regulation 8 or regulation 10 or regulation 11 or regulation 12 .—

(1) If any service provider contravenes the provisions of sub-regulation (6) of regulation 8 or regulation 10 or sub-regulation (4) of regulation 11 or sub-regulation(6) of regulation 11, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive,not exceeding five thousand rupees for each contravention, as the Authority may, by order direct.

(2) If any service provider contravenes the provisions of regulation 12, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, direction issued, thereunder, be liable to pay an amount, by way of financial disincentive not exceeding ten thousand rupees for each wrongful rejection of the request for porting, as the Authority may, by order direct.

(3) No order for payment of an amount by way of financial disincentive under sub-regulation (1) and sub-regulation (2) shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.”

(2) The Authority, if it considers it expedient so to do, may require the service provider referred to in sub-regulation (1) to get the records maintained by such service provider audited through an independent agency as may be specified by the Authority and submit the report in respect of such audit to the Authority and the cost of such audit shall be borne by the concerned service provider.

¹[**Format of Authorization Letter for porting of corporate Mobile Numbers**
(see regulation 6 (f))]

To be submitted on company letter head

To,
(The Recipient Operator)

Subject: **Port out of corporate mobile number.**

I....., the authorized signatory of M/s..... (name of the body corporate etc.), hereby authorize the porting out of the following mobile phone numbers, allotted to M/s.....(name of body corporate etc.), from M/s..... (name of the Donor Operator) to M/s.....(name of the Recipient Operator) in-----
-(name of service area):-

S.No	Corporate Mobile Number	Unique Porting code

Undertaking

It is certified that I am the authorized signatory for the above mentioned mobile numbers and this information has been updated with the Donor Operator.

Name of Company:
Authorized Signatory Name:
Authorized Signatory Contact No:
Signature of Authorized Signatory:
Authorized Signatory email ID:
Stamp of the Company/corporate/organization:
Date:

Note: If this letter has more than one page, each page shall be signed by the Authorized signatory

.....End of Format.....]

¹ Ins. by the Fifth Amendment Regulations, 2013, reg. 4 (w.e.f. 20.10.2013)