



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



Dated: - 09th February, 2021

Subject: Direction to M/s. Fastway Transmissions Pvt. 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 the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017, and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, dated 3rd March, 2017.

No. D-2/1/(1)/2021-B AND CS(2): 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; 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 Communications and Information Technology (Department of Telecommunications), vide its Notification No.39, ---

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

(b) published under notification No.S.O.44 (E) dated 9th January, 2004 in the Gazette of India, Extraordinary, Part II, Section 3 - sub-section (ii)---

has notified broadcasting services and cable services to be telecommunication service;

3. And whereas the Authority notified a new regulatory framework for Broadcasting and Cable TV services provided through addressable systems, encompassing the following: -

(a) *the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March, 2017* (hereinafter referred to as "Tariff Order 2017");

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- (b) the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017; and
- (c) the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017 (hereinafter referred to as "QoS Regulations 2017");

4. And whereas clause 4 of the Tariff Order 2017, inter alia, provides for manner of offering of channels by distributors of television channels, and the relevant portion of the said clause reads as under: -

"(4) It shall be permissible for a distributor of television channels to offer bouquet(s) formed from pay channels of one or more broadcasters and declare distributor retail price(s), per month, of such bouquet(s) payable by a subscriber:

Provided that such bouquet shall not contain any pay channel for which maximum retail price per month declared by the broadcaster is more than rupees twelve:

Provided further that the distributor retail price per month of such bouquet of pay channels shall not be less than eighty five percent of the sum of distributor retail prices per month of a-la-carte pay channels and bouquet(s) of pay channels forming part of that bouquet:

Provided further that the distributor retail price per month of a bouquet of pay channels offered by a distributor of television channels shall, in no case, exceed the sum of maximum retail prices per month of a-la-carte pay channels and bouquet(s) of pay channels, declared by broadcasters, forming part of that bouquet:


Provided further that such bouquet shall not contain any free-to-air channel:

Provided also that such bouquet shall not contain both HD and SD variants of the same channel.

Explanation: For the removal of doubt it is hereby clarified that a distributor of television channels while forming bouquet under this clause shall not break a bouquet of pay channels offered by a broadcaster to form two or more bouquet(s) at distribution level."

5. And whereas regulation 31 of the QoS Regulations 2017, provides for establishment of website by distributors, and reads as under: -

"31. Establishment of website. — (1) Every distributor of television channels shall establish and maintain a website for the purpose of publicity of information related to



broadcasting services related to television offered by the distributor and for consumer awareness:

Provided that it shall be permissible for a distributor of television channels to engage any agency for establishing and operating such website:

Provided further that the responsibility for compliance of the provisions of these regulations shall rest with the distributor of television channels.

(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.";

6. And whereas it was observed by the Authority that M/s. Fastway Transmissions Pvt. Ltd. has not fully complied with the provisions of new regulatory framework, and vide letter/show cause notice 12-23/2020-B&CS dated 22.10.2020, comments of M/s. Fastway Transmissions Pvt. Ltd. were sought for such non-compliance;

7. And whereas the response to the letter/Show Cause Notice submitted by M/s. Fastway Transmissions Pvt. Ltd. vide letter dated 03.11.2020 was considered by the Authority and were not found to be satisfactory for the following reasons:

- a) DPO bouquet (HD) displayed on its website by Fastway contains both HD and SD variants of the same channel (Colors Cineplex, Movies now, MNX etc.) which is in non-compliance to the fifth proviso to sub-clause (4) of clause 4 of the Tariff Order, 2017;
- b) DPO bouquets formed by Fastway, as declared by it on its website, contain chargeable value-added services (VAS) and the composite discount structure offered on DPO bouquet's includes network capacity fee (NCF), VAS & pay channels, which is in non-compliance to the provisions of extant regulation or otherwise DPO are permitted to form bouquets of only pay channels offered on either a-la-carte basis or in bouquets, as provided by sub-clause (4) of clause 4 of the Tariff Order, 2017;
- c) the broadcaster Bouquet declared on its website by Fastway are declared without the Distribution Retail Price (DRP) as mandated under sub-regulation (3) of regulation 31 read with sub-clause (d) of clause 1 of Schedule-II to the QoS Regulation 2017; and

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d) the subscriber corner hyperlink containing the details mentioned in Schedule-III to the QoS Regulations 2017 has not been provided to the consumers on the website by Fastway as mandated by sub-regulation (4) of regulation 31 of the QoS Regulations, 2017;

8. 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. Fastway Transmissions Pvt. Ltd.**, to comply with the the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, and furnish compliance report to the Authority within twenty one days from the date of issuance of this Direction, failing which **M/s. Fastway Transmissions Pvt. Ltd.**, shall be liable for action as per extant regulatory provisions.

DD'd
09.02.2021

(Devendra Dwivedi)
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To,

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