



भारतीय दूरसंचार विनियामक प्राधिकरण  
TELECOM REGULATORY AUTHORITY OF INDIA

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सत्यमेव जयते

No. 402-12/2012-I&FN

Dated: the 5<sup>th</sup> November, 2012

**DIRECTION**

Subject: Direction under section 13, read with sub clause (ii), (iii), (iv), (vi) and (vii) of clause (b) of sub-section (1) of section 11 of Telecom Regulatory Authority of India Act, 1997 to M/s Reliance Communications Ltd. to ensure compliance of the provisions of the Intelligent Network Services in Multi Operator and Multi Network Scenario Regulations, 2006 dated the 27<sup>th</sup> November, 2006 (13 of 2006).

**F.No.402-12/2012-I&FN-** 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, 1997) has been entrusted with discharge of certain functions, *inter alia*, to protect interest of the consumers of telecommunications service; regulate telecommunications services; fix the terms and conditions of interconnection; ensure effective interconnection etc.;

2. And whereas in exercise of the powers conferred upon it under section 36, read with sub-clauses (ii), (iii), (iv), (vi) and (vii) of clause (b) of sub-section (1) of section 11 of TRAI Act, 1997, the Authority made the

Intelligent Network Services in Multi Operator and Multi Network Scenario Regulations, 2006 (13 of 2006) [hereinafter referred to as the regulations];

3. And whereas the regulation 3 of the said regulations provides that all Basic Operators, Cellular Mobile Service Providers and Unified Access Service Providers shall provide interconnection to all the Eligible Service Providers for the purpose of giving an option to subscribers of all Access Providers to exercise option for using the Intelligent Network Services of other Eligible Service Providers and reads as under:-

**“ 3. Provision for interconnection to all Eligible Service Providers. ---All Basic Operators, Cellular Mobile Service Providers and Unified Access Service Providers shall provide interconnection to all the Eligible Service Providers for the purpose of giving an option to subscribers of all Access Providers to exercise option for using the Intelligent Network Services of other Eligible Service Providers.”;**

4. And whereas the regulation 4 of the regulations provides that no Basic Operator, Cellular Mobile Service Provider and Unified Access Service Provider shall directly or indirectly deny its consumers accessing Intelligent Network Services of his choice which are available in multi-operator multi network scenario and reads as under:-

**“4. Prohibition to deny to subscribers access to Intelligent Network. -No Basic Operator, Cellular Mobile Service Provider and Unified Access Service Provider shall directly or indirectly deny its**

consumers accessing Intelligent Network Services of his choice which are available in multi-operator multi network scenario.”;

5. And whereas M/s MTNL, vide their letter dated 31.05.2012 (copy annexed as **Annexure I** to this Direction), informed the Authority that it has entered into an IN agreement with twenty private Operators including M/s Reliance Communications Ltd. on similar terms & conditions and as per the provisions of the regulations IN SCP codes of MTNL 180011/22 are to be opened by all service providers but M/s Reliance have not opened SCP codes of MTNL;

6. And whereas M/s MTNL has, vide their letter dated 31.05.2012, further informed that they have extended all their traffic, local as well as pan India traffic towards M/s Reliance Communication Ltd but M/s. Reliance Communication Ltd. has not routed their pan India traffic towards MTNL which is not only in violation of the terms and condition of agreement entered into between the two service providers but also contrary to the provisions of the regulations which mandates interconnection among all the eligible service providers so that subscriber of an access provider can access the IN services provided by any other service provider;

7. And whereas M/s MTNL is stated to have requested M/s Reliance Communication Ltd several time to open the SCP codes outside Delhi and Mumbai but till date SCP codes outside Delhi and Mumbai have not been opened by M/s. Bharti Airtel Ltd which has resulted in MTNL’s customers not getting Free Phone calls from M/s Reliance Communication Ltd;

8. And whereas the Authority, vide letter dated 30.08.2012 (copy annexed as **Annexure II** to this Direction), sought the comments of M/s Reliance Communications Ltd. in the matter;

9. And whereas, M/s Reliance, vide its letter dated 10.09.2012 (copy annexed as **Annexure III** to this Direction) has informed that MTNL had earlier directly taken up issue with them and certain information was sought from M/s MTNL which is still awaited;

10. And whereas M/s Reliance has, vide their letter dated 11.09.2012 (copy annexed as **Annexure IV** to this Direction) addressed to MTNL and copy endorsed to the Authority, informed that MTNL wants to change the commercial terms and are asking them to carry the calls from their circles from Delhi to Mumbai which is not in line with the interconnection agreement and MTNL has blocked the access of calls from its subscribers to the toll free numbers of M/s Reliance and under duress, they are willing to carry the calls from their circles and handing over to MTNL at their Delhi and Mumbai circles which will be causing additional burden on them and has, therefore, requested M/s MTNL for reciprocal revenue sharing arrangement;

11. And whereas M/s MTNL has, vide their letter dated 19.09.2012 (copy annexed as **Annexure V** to this Direction), addressed to M/s Reliance and a copy endorsed to the Authority, while referring to clause 2.1.15.13 of the interconnection agreement, informed that for routing of pan India calls to toll free numbers of MTNL, it shall be the responsibility of Basic Service Provider to arrange handing over of the calls to MTNL POI

through their preferred NLDO and MTNL shall pay a revenue share of fifty two paise per minute to the said NLDO to be shared between NLDO and Basic Service Provider and MTNL will not pay any additional charge;

12. And whereas under the provisions of the regulations, the commercial and technical arrangements for providing Intelligent Network services have been left to the mutual negotiations between the service providers but the sub-regulation (8) of regulation 10 provides that in case the service providers fail to enter into agreement or arrangement within stipulated time, the Authority shall specify the interconnection arrangement and reads as under :-

“(8). In case any Basic Operator, Cellular Mobile Service provider of Unified Access Service provider fails to enter into agreements of arrangements within the stipulated time, they shall intimate within fifteen days of such failure to the Authority with complete details thereof and after examining such failure and details furnished by the service providers, the Authority shall specify the interconnection arrangements.”;

13. And whereas the Authority has, in exercise of powers under sub-regulation (8) of regulation 10 of the regulations, vide letter dated the 5<sup>th</sup> December, 2007 (copy annexed as **Annexure VI**) to this Direction) specified the access charges to be paid to the originating access provider by the telecom service provider who is providing Free Phone services and have failed to enter into agreement and has also directed all service providers including M/s. Reliance Communications Ltd. to enter into

agreement in accordance with the framework suggested therein or enter into mutual agreement within fifteen days of the said direction;

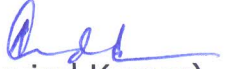
14. And whereas M/s. Reliance Communications Ltd., being a service provider, has failed to comply with the provisions of regulation 3 and regulation 4 of the said regulations;

15. And whereas due to non compliance of the said regulations by M/s Reliance Communications Ltd., subscribers of M/s Reliance are not able to access the Intelligent Network platform of M/s MTNL;

16. And whereas non-compliance of the provisions of the regulations by M/s Reliance has adversely affected the interest of the consumers and also the overall policy framework being developed by the Authority for improving the availability of modern telecommunication services across the country;

17. Now therefore, in exercise of the powers conferred upon the Authority under section 13, read with sub-clauses (ii), (iii), (iv), (vi) and (vii) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997 and in order to ensure compliance of the provisions of the Intelligent Network Services in Multi Operator and Multi Network Scenario Regulations, 2006 dated the 27<sup>th</sup> November 2006 (13 of 2006), the Authority hereby directs M/s Reliance Communications Ltd. to ensure, within fifteen days of the issue of this direction, that their subscribers are able to access Free Phone Services of their choice which are available in multi operator multi network scenario in accordance with the provisions of the Intelligent Network Services in Multi Operator Multi Service Scenario

Regulations, 2006 dated the 27<sup>th</sup> November 2006 (13 of 2006) and furnish compliance report by 26<sup>th</sup> November, 2012.

  
(Arvind Kumar)  
Advisor (NSL-I)

To

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