



सत्यमेव जयते

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

DIRECTION



Dated: 23rd April, 2018

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), in order to facilitate refund of unspent balance of pre-paid mobile subscribers and security deposit of the post paid subscribers pursuant to surrender of License in licensed service areas of Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra and Uttar Pradesh (West) by M/s Aircel Ltd. and M/s Dishnet Wireless Ltd.

No.116-22/2017-NSL-II 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 ensure compliance of terms and conditions of licence; regulate the telecommunication services; protect the interests of service providers and consumers of the telecom sector;

2. And whereas the Authority, in exercise of the powers conferred upon it by section 36, read with sub-clauses(i), (iii) and (v) of clause (b) of sub-section (1) of section 11, of TRAI Act, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as regulations);

3. And whereas M/s Aircel Ltd. and M/s Dishnet Wireless Ltd. (both collectively referred to as Aircel Group), vide its letter No. AL/DoT/2017/99 dated 1st December, 2017, issued notice of surrender of License under clause 10.3 of Unified Access Service in six licensed service areas of Gujarat, Maharashtra, Haryana, Himachal Pradesh, Madhya Pradesh and Uttar Pradesh (West) with effect from sixty days from the date of issue of the letter, i.e. from 31st January, 2018;

4. And whereas, in its subsequent communication vide letter No. Aircel/TRAI/Corr/2017/138 dated 11th December, 2017, Aircel Group requested the Authority to issue instructions to approve all such mobile number portability requests from the subscribers where a period of ninety days has not elapsed from the date of


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activation into the network of M/s Aircel in the six licensed service areas mentioned in para 3 above and also issue additional codes for generation of Unique Porting Codes for Maharashtra and Himachal Pradesh service areas as their subscriber base exceeds one million in both these LSAs;

5. And whereas the Authority, vide its direction dated 20th December, 2017, inter-alia directed Aircel Group to generate Unique Porting Codes (hereinafter referred to as UPCs) for all its subscribers in the licensed service areas mentioned in para 3 above and keep all the UPCs generated pursuant to the date of direction i.e.20th December, 2017 and UPCs generated prior to the date of the direction which were valid on that date, valid till 23:59:59 hours of 10th March, 2018;

6. And whereas the Authority vide para 12 (a)(ix) of the direction 116-22/2017-NSL-II dated the 20th December, 2017, inter-alia, directed Aircel Group, to furnish monthly subscriber –wise information of unspent balance amount in MS excel format;

7. And whereas the Authority, vide para 12 (a) (x) of the direction dated 20th December, 2017, directed Aircel Group to furnish by 20th March, 2018, subscriber – wise information in MS excel format;

8. And whereas the Authority has received large number of complaints from the subscribers of Aircel Group, who have either ported their mobile number to other operators or who could not port their mobile number from the network of Aircel Group, regarding refund of balance amount left with Aircel Group in the form of recharges or vouchers/ plans in their prepaid mobile account and non-refund of security deposits for the post paid mobile accounts;

9. And whereas pursuant to the discontinuation of services in the licensed services areas, referred to in para 3 above, by Aircel Group, large number of subscribers, both prepaid and postpaid, have been inconvenienced and forced to port out their mobile numbers to other service providers or they would not be able to use the services beyond the sunset date as declared by Aircel Group;

10. And whereas under normal circumstances, the balance prepaid amount would have been utilized by the prepaid subscribers before deciding to port out their mobile number, however, premature surrender of license has forced large number of mobile subscribers of Aircel Group to either port out or lose their mobile numbers and leave

behind their unspent prepaid balance amount in the form of recharge coupon/ plans and security deposit with Aircel Group;

11. And whereas sub regulation (2) of regulation 14 of the regulations provides that 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;

12. And whereas the Authority is of the view that in the light of the abnormal circumstances, Aircel Group should process refund of the unspent prepaid balance amount left in the form of recharge coupon or vouchers/ plans of the mobile numbers ported out and also the unspent balance in the account of the subscribers of prepaid mobile numbers who could not port out their mobile number and they would not be able to use the services beyond the sunset date as declared by Aircel Group;

13. And whereas regulation 18 of the regulations, *inter-alia*, provides that 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 the regulations;

14. Now, therefore, in exercise of the powers conferred upon it under section 13, read with sub-clause (i) and (v) of clause (b) of sub-section (1) of section (11) of TRAI Act, 1997 (24 of 1997) and regulation 18 of the Mobile Number Portability Regulations, 2009 (8 of 2009), the Authority, in order to protect the interest of the telecom subscribers, hereby directs –

(a) Aircel Group to :-

- (i) process, in case of postpaid mobile subscribers the refund of the security deposits of all the post-paid subscribers and submit to the Authority the licensed service area wise compliance by 10th May, 2018, mentioning the number of subscribers whose security deposit have been successfully refunded and number of subscribers along with details of the amount of security deposits unclaimed/ undelivered;
- (ii) prepare a password protected list of all the pre-paid subscribers ported out during the period from the 1st December, 2017 to 10th March, 2018, recipient

operator wise indicating against each subscriber the unspent balance in their account at the time of porting and transfer such unspent amount to the recipient operator alongwith the list and the password and furnish to the Authority the details of refund made as per the schedule below:-

LSA	List of MSISDN (Mobile number) ported month-wise during	Compliance to be submitted to the Authority by date
	1 st to 31 st December, 2017	10 th May, 2018
	1 st to 31 st January, 2018	
	1 st to 28 th February, 2018	
	1 st to 10 th March, 2018	

(iii) process refund to the prepaid mobile subscribers who have not been able to port out by 10th March, 2018, as per the procedure below:-

(A) issue Public Notice, within three days of issue of this Direction, on the main page of its website and in at least two daily newspapers, registered with Registrar of Newspapers for India, Govt. of India in all the licensed services areas as mentioned in para 3 above, out of which one of the newspapers is circulated nationally (in Hindi or English language) and another newspaper should be in regional language having the following text:-

“Dear Aircel mobile subscriber (name of the -license service area/ license service areas-),

This is with reference to recent discontinuation of services. As per TRAI direction, in case you have not been able to port your mobile number, you can claim refund of your unspent prepaid balance electronically to your bank account by submitting the information as mentioned in the table below:

Subscriber's name	
Subscriber's postal address	
Subscriber's mobile number (the number against which the refund is sought from Aircel Group)	
Subscriber's alternate mobile number for communication	
Subscriber's email address	
Subscriber's Bank account number	
IFS Code, Bank name and Branch	
Copy of Proof of Identity (PoI) (to be attached)	Id name with number
Copy of Proof of Address (PoA) (to be attached)	Id name with number

The above information can be submitted to us through any of the modes mentioned below and you will be provided acknowledgement number for future reference:

Through our website/ portal (http://www.aircel.com)	(Aircel Group to provide complete URL with a form as mentioned in the table above to be submitted online and provide acknowledgement number)
Through email address	(Aircel Group to provide email ids and auto generation of acknowledgement)
Physically at the office/center of Aircel Group	(Aircel Group to provide complete address of at least one officer/ center in each of the licensed service areas)
Through Courier/ Speed Post	(Aircel Group to provide centralized address for the licensed service areas)

- (B) provide an acknowledgement number to the subscriber through email or SMS for future reference for submission of the refund request as mentioned in the sub-para (A) above and submit compliance of the direction contained in para (A) above, to the Authority within seven days from the issue of this direction and;
- (C) verify the credentials of the subscriber based on the inputs as per PoI and PoA with the database available with Aircel Group and process the refund electronically, into the bank accounts of the subscribers by 30th April, 2018;
- (D) refund to the prepaid mobile subscribers, having unspent balance of not less than rupees ten in their account, who have neither ported out nor submitted information to Aircel Group as per the notice published by the service provider under para above, by means of a crossed cheque at the postal address contained in their Customer Acquisition Form;

(iv) submit the following information to the Authority by 10th May, 2018

Mobile number	Post paid /pre-paid	Amount refunded	Date of refund	Medium of refund viz. NEFT/RTGS/Cheque

- (v) furnish compliance report of this direction to the Authority by 20th May, 2018, together with the unspent prepaid balance amount along with number of subscribers available with Aircel Group to whom refund could not be provided and reasons thereof of such failure;


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(b) all access service providers:-

- (i) as recipient operator, for the ported subscribers, to credit the refund amount received from Aircel Group to individual accounts of the subscribers and intimate the same to such subscribers through SMS; and
- (ii) submit compliance to the Authority within two days of receipt of such details from Aircel Group.



(Syed Tausif Abbas)

Advisor (Network, Spectrum and Licensing)

To,

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2. **Mr. Vijay Kumar V Iyer**
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3. All Access Service Providers (Wireless)