



भारतीय दूरसंचार विनियामक प्राधिकरण  
TELECOM REGULATORY AUTHORITY OF INDIA

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,  
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सत्यमेव जयते

Dated the 11<sup>th</sup> March 2013

**DIRECTION**

**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) read with regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), to bar the porting transactions of the Licensees who discontinued their services subsequent to Hon'ble Supreme Court order.

No. 102-11/2012-NSL-II(Pt.) ----- 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 the TRAI Act, 1997), has been entrusted with discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, 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 the interest of the consumers of telecommunications service;

2. And whereas the Authority had, in exercise of the powers conferred by section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) [hereinafter

referred to as the regulations] applicable to the access service providers providing Unified Access Services and Cellular Mobile Telephone Service;

3. And whereas M/s Syniverse Technologies (India ) Pvt. Ltd. and M/s MNP Interconnection Telecom Solutions India Pvt. Ltd were issued Mobile Number Portability service license by the Department of Telecom and the effective date of License is 20th March 2009;

4. And whereas the clause 20.3 of MNP service License Agreement states that *“the LICENSEE shall in no case provide MNP service to any Telecom Service Provider whose licence is either terminated or suspended or not in operation at any point of time but shall continue to maintain Data Base and provide MNP service to their subscribers. The Licensee shall keep the LICENSOR indemnified from any claim arising out of such Telecom Service Provider or third party.”*;

5 And whereas the Hon’ble Supreme Court has, vide its judgment dated 2nd Feb, 2012 in Writ Petition (Civil) No. 423 of 2010 and Writ petition (Civil) No. 10 of 2011, inter-alia, held as under –

“81. ....

(i) “The licences granted to the private respondents on or after 10.1.2008 pursuant to two press releases issued on 10.1.2008 and subsequent allocation of spectrum to the licensees are declared illegal and are quashed.

(ii) The above direction shall become operative after four months.

.....  
.....”

6. And whereas the Hon’ble Supreme Court, vide it’s orders dated 24<sup>th</sup> April 2012 and 27<sup>th</sup> August 2012, allowed service providers of the quashed licensees to continue their services upto the 18<sup>th</sup> January 2013 and vide it’s



order dated the 14<sup>th</sup> January 2013 allowed the said licensees to continue their operations till the next date of hearing;

7. And whereas the Hon'ble Supreme Court vide its order /Judgment dated the 15th Feb 2013 in IAs filed in writ petition (C) 423 of 2010, inter-alia, directed as under:-

*“(iv) The licensees, who did not give bid in the auction conducted on 12.11.2012 and 14.11.2012 or who remained unsuccessful shall forthwith discontinue their operations in the concerned circles/areas and the successful applicants should be allowed to operate in those circles/areas.*

*“(v) The issue relating to liability of the licensees, who discontinued their operations between 2.2.2012 and this date shall be decided separately.” ;*

8. And whereas some licensees had already closed their operations pursuant to the Hon'ble Supreme Court Order dated the 2nd February 2012;

9. And whereas it has been brought to the notice of the Authority that the mobile telephone numbers belonging to the service providers who have, closed their operations pursuant to the judgment/order of the Hon'ble Supreme Court mentioned in the preceding paras are being ported;


10. And whereas a list containing the name of service providers and their service areas who have closed their operations is annexed as Annexure-I and a list containing the name of service providers and their service areas, who did not commence their services before quashing of their license by the Hon'ble Supreme Court is annexed as Annexure-II;

11. Now, therefore, without prejudice to the liability, if any, of the service providers for violation of the provisions of its regulations & directions and the license conditions, the Authority, in exercise of power conferred upon it under section 13 read with sub-clause (i) and sub-clause (v) of clause (b) of

sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1994), read with regulation 18 of the Telecommunication Mobile Number Portability Regulations 2009 (8 of 2009) , hereby directs ---

- (a) all the Mobile Number Portability service providers not to process; and
- (b) all the Unified Access Service Providers and Cellular Mobile Telephone Service providers not to entertain, -----

the request for porting in respect of mobile telephone numbers belonging to the service providers mentioned in the lists at Annexure –I and Annexure-II except as otherwise directed by the Authority and furnish compliance report within three days from the date of issue of this Direction.

  
(Sanjeev Banzal) 11/3/13  
Advisor (NSL)

To,

- 1. MNP service providers
  - 2. All CMSPs/ UAS licensees
- As per List attached

**Annexure-I**

**The service providers of quashed licenses who have informed TRAI regarding discontinuance of their services**

Sl.No.	Service Provider	Service Areas where discontinuance of their service has been intimated to TRAI
1	TATA (3)	Assam, Jammu & Kashmir, North East
2	Unitech (15)	Assam, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Kolkata, Madhya Pradesh, Mumbai, North East, Orissa, Punjab, Rajasthan, Tamil Nadu including Chennai, West Bengal
3	Videocon(11)	Andhra Pradesh, Himachal Pradesh, Karnataka, Kerala, Kolkata, Maharashtra, Mumbai, Orissa, Rajasthan, Tamil Nadu including Chennai, West Bengal
4.	Loop(13)	Assam, Bihar, Gujarat, Haryana, Karnataka, Kolkata, Madhya Pradesh, Maharashtra, North East, Orissa, Punjab, Rajasthan, Uttar Pradesh (West)
5	Etisalat (15)	Andhra Pradesh, Bihar (in the name of M/s Allianz Infratech), Delhi, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh (in the name of M/s Allianz Infratech), Maharashtra, Mumbai, Punjab, Rajasthan, Tamilnadu including Chennai, Uttar Pradesh (East), Uttar Pradesh (West)
6	S.Tel (5)	Himachal Pradesh, Assam, Bihar, North East, Orissa
7	Sistema Shyam TeleServices Limited*	Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, North East, Orissa and Punjab

\*Note: The service provider informed TRAI that they shall close the operations and stop providing services in 30 days from 21<sup>st</sup> February 2013



**The Licensees who did not commence their services before quashing of their licenses by the Hon'ble Supreme Court**

<b>Sl.No.</b>	<b>Service Provider</b>	<b>Service Area where the services by the service providers are non-operational</b>
1	Unitech (1)	Delhi
2	Videocon(4)	Assam, Delhi, North East, Jammu & Kashmir
3	Idea (2) *	Karnataka, Punjab
4	Spice (4) #	Andhra Pradesh, Delhi, Haryana, Maharashtra
5	S.Tel (1)	Jammu & Kashmir
6	Loop(8)	Andhra Pradesh, Delhi, Himachal Pradesh, Jammu & Kashmir, Kerala, Tamil Nadu including Chennai, Uttar Pradesh (East), West Bengal

\* Idea as a licensee is non operational, However Spice is operating services

# Spice as a licensee is non operational, However Idea is operating services



List of Chief Executive Officers/ Managing Directors/ CMDs				
Sl.No.	Company Name	Name	Designation	Office Add.
1	<b>Syniverse</b>	Mr. Sanjay Kasturia	Chief Executive Officer	DLF Building No. 5, Tower A, 15th Floor, Phase III, Gurgaon-122002, Haryana
2	<b>MTS</b>	Mr. Ashok K Sapra	Managing Director	MNP Interconnection Telecom Solutions , 703, 7th Floor, Park centra, Sector -30, Gurgaon - 122001.
3	<b>TATA</b>	Mr. N. Srinath	Managing Director	Tata Teleservices Limited, A.E. & F Blocks, Voltas Premises, T.B. Kadam Marg, Chinchpokli, Mumbai-400033
4	<b>Uninor</b>	Mr. Sigve Brekke	Managing Director	Unitech Wireless (Tamil Nadu) Private Limited, The Masterpiece, Sector-54, Golf Course Road, DLF Phase-V, Gurgaon-122002, INDIA
5	<b>Reliance</b>	Shri Gurdeep Singh	President & Chief Executive Officer, Mobility	7th Floor, BHQ, B wing, Work Station No. 48, DAKC, Koparkhairne, Navi Mumbai-400710
6	<b>Airtel</b>	Shri Sanjay Kapoor	Chief Executive Officer	Bharti Airtel Ltd. Plot No-16, Udyog Vihar, Phase-IV Gurgaon-122015 Haryana.
7	<b>MTS</b>	Shri Vsevolod Rozanov	President & Chief Executive	334, Udog Vihar, Phase IV, Gurgoan 122001
8	<b>Loop</b>	Mr. Sandip Basu	Managing Director & Chief Executive	127, Manmala Tank road, Taikalwadi, Mahim (West), Mumbai- 400016
9	<b>Idea</b>	Shri Himanshu Director	Managing Director	Windsor, 5th Floor, Opp.CST Road, Near Vidya Nagari, Kalina, Santacruz (E), Mumbai-400098
10	<b>Videocon</b>	Shri Arvind Bali	Managing Director & Chief Executive Officer	Videocon Telecommunications Ltd. 6th Floor, 248 Udyog Vihar Phase IV Gurgaon, Haryana-122015
11	<b>Vodafone</b>	Shri Marten Pieters	Managing Director & Chief Executive Officer	Peninsula Corporate Park, Ganpatrao kadam Marg, Lower Parel, Mumbai 400013
12	<b>BSNL</b>	Shri R.K. Upadhyay	Chief Managing Director	3rd Floor, Bharat Sanchar Bhawan, H.C. Mathur Lane, Janepath, New Delhi - 110001
13	<b>Quadrant Televentures Ltd.</b>	Shri Atul Mehra	Chief Executive Officer	B-71, Phase - VII Industrial Focal Point, Mohali - 160055 (Punjab)
14	<b>Aircel</b>	Shri Kaizad Bomi Heerjee	Chief Operating Officer	Aircel Limited, 706, 7th Floor, Ashoka Estate, 24, Bharakhamba Road, Cannuaght Place, New Delhi - 110001.