



सत्यमेव जयते

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

DIRECTION



Dated 03rd May 2019

Subject: Direction to Bhorer Alo Cable & Broadband 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 of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services.

No. 30-15/2019-B&CS - 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 regulate the telecommunication services; fix the terms and conditions of inter-connectivity between the service providers; 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 interest of the consumers of telecommunication service;

2. And whereas the Central Government, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No. 39, ---

(a) issued in exercise of powers conferred by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, 1997 and

(b) published under notification number S.O.44(E) dated the 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 service provided through addressable systems, encompassing the following:-

(a) The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, [Tariff Order 2017];

(b) The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [Interconnection Regulation 2017];

(c) The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [QoS Regulation 2017].

4. And whereas the Authority, vide its Press Note dated the 3rd July 2018, informed the stakeholders that various timelines prescribed in the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 shall commence with effect from 3rd July 2018;

5. And whereas the new regulatory framework comprising the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 became applicable with effect from 29th December 2018;

6. And whereas in order to protect the interest of the consumers and to ensure smooth transition to the new regulatory regime, the Authority, vide the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Amendment) Regulations, 2018 dated 28th December 2018, permitted the continuance of the existing packs, plans and bouquets upto 31st January, 2019 and directed all distributors of television channels to offer and obtain the option for subscription of new packs, plans or bouquets from the subscribers on or before 31st January, 2019 and ensure that services to the subscribers, after the 31st January, are provided as per the new packs, plans or bouquets opted for subscription by the subscribers;

7. And whereas sub-regulation (4) of regulation 31 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 reads as under:

“31. Establishment of website. —

...
...

(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.”

8. And whereas sub regulation 3, 4 and 5 of regulation 24 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

“24. Supply and installation of the customer premises equipment.—

...
...

(3) Every distributor of television channels or its linked local cable operator, as the case may be, shall offer customer premises equipment to every consumer under the following schemes:

(i) outright purchase scheme, and

(ii) rental scheme:

Provided that, in addition to offering customer premises equipment on outright purchase scheme and rental scheme, it shall be permissible for the distributor or its linked local cable operator, as the case may be, to offer customer premises equipment under any other scheme including bundled scheme.

(4) Every distributor of television channels or its linked local cable operator, as the case may be, shall inform the consumers the details of all the schemes of customer premises equipment offered by it.

(5) Every distributor of television channels shall publish on its website the details of all schemes for customer premises equipment along with other terms and conditions applicable to the said schemes and such information shall also be disseminated through the customer care programming service.”

9. And whereas sub-regulation (3) of regulation 25 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 reads as under:

“25. Customer care centre.—

...
...

(3) Every distributor of television channels shall ensure that the Interactive Voice Response System is operated in the following manner,-

(a) the first level of the Interactive Voice Response System provides for language selection;

(b) the second level of the Interactive Voice Response System provides for options relating to the broad categories of complaints and service requests;

(c) the third level of the Interactive Voice Response System provides for a sub-menu under service and complaint requests, separately;

Provided that the sub-menu in the third level shall also contain an option enabling the customer to speak to a customer care executive.”

10. And whereas on receipt of compliance report from authorized representative of M/s Bhorer Alo Cable & Broadband Pvt. Ltd. during meeting in Authority’s Regional Office, Kolkata and inspection of website of M/s Bhorer Alo Cable & Broadband Pvt Ltd, the following issues have been observed by the Authority: -

- The said DPO is not offering subscriber corner facility in their website
- The call centre of the DPO does not support IVRS
- The said DPO is not publishing STB schemes on their website

11. 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 Bhorer Alo Cable & Broadband Pvt Ltd to resolve the issues mentioned in para 10 above and adhere to the provisions of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 and Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and to report compliance as per the new regulatory framework within five (05) days from the date of issue of this direction.


(Deb Kumar Chakrabarti)
Pr. Advisor (B&CS)

To,

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