



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



Dated: - 09th February, 2021

Subject: Direction to M/s. Kal Cables 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 sub-clause (1) of clause 4 of the Tariff Order, 2017 (as amended) provides for declaration of network capacity fee and manner of offering of channels by distributors of television channels, and reads as under: -

"4. Declaration of network capacity fee and manner of offering of channels by distributors of television channels.--- (1) *Every distributor of television channels shall declare network capacity fee, per month, payable by a subscriber for availing a distribution network capacity so as to receive the signals of television channels:*

Provided that the network capacity fee, per month, for network capacity upto initial two hundred SD channels, shall, in no case, exceed rupees one hundred and thirty, excluding taxes:

Provided further that the network capacity fee, per month, for network capacity for receiving more than two hundred SD channels, shall, in no case, exceed rupees one hundred and sixty, excluding taxes:

Provided also that a distributor of television channels shall be free to declare different network capacity fee for different regions within its service area, and shall report to the Authority, the details of such network capacity fee for each regions:

Provided also that the network capacity fee, per month, for each additional TV connection, beyond the first TV connection in a multi TV home shall, in no case, exceed forty percent of the declared network capacity fee:"

Provided also that one HD channel shall be treated equal to two SD channels for the purpose of calculating number of channels within the distribution network capacity subscribed.";

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:*

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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. Kal Cables Pvt. Ltd. has not fully complied with the provisions of new regulatory framework, and vide show cause notice 12-18/2020-B&CS dated 20.07.2020, comments of M/s. Kal Cables Pvt. Ltd. were sought as to why appropriate action should not be initiated against it for such violations;

7. And whereas the response submitted by M/s. Kal Cables Pvt. Ltd. vide letter dated 03.08.2020 to the Show Cause Notice were considered by the Authority and were not found to be satisfactory. The implementation of revised NCF is not linked to the declaration of a-la-carte or bouquet rates by broadcasters as contended by M/s. Kal Cables Pvt. Ltd., and predominantly falls under the purview of DPOs. Further, with regard to the contention that there is no declared second or additional TV connection, it may be acknowledged that while there may not be any subscribers with additional TV connection at present, but the subscribers have a choice to opt for the same, and in which case, by not declaring the NCF, M/s Kal Cables Pvt. Ltd., keeping the subscribers uninformed and is in non-compliance to clause 4 of the Tariff Order 2017;

8. And whereas vide letter 12-99/2019-B&CS dated 22.09.2020 comments/compliance of M/s. Kal Cables Pvt. Ltd. was sought on the issues not in compliance to the regulatory provisions contained in the new regulatory framework, including the revised NCF as per Tariff Order 2017;

9. And whereas vide email reply dated 11.11.2020, M/s. Kal Cables Pvt. Ltd. has intimated that, "all the suggestions made by TRAI have been carried out and the same is reported accordingly". However, it is observed that M/s. Kal Cables Pvt. Ltd. has not complied with the provisions of Tariff Order 2017 with regard to updating the revised NCF on website,

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which is also mandated by sub-regulation (3) of regulation 31 of the QoS Regulations, 2017, read with entry 2 of Schedule-II, to the aforesaid regulations;

10. Now, therefore, the Authority, in exercise of its power conferred 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. Kal Cables Pvt. Ltd.**, to comply with the provisions of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, with regard to updating the revised NCF on its website, and furnish compliance report to the Authority within twenty one days from the date of issuance of this Direction, failing which **M/s. Kal Cables Pvt. Ltd.**, shall be liable for action as per extant regulatory provisions.

DDd.
09.02.2021

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To

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