



सत्यमेव जयते

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



20 Glorious Years
(1997-2017)

DIRECTION

Dated: 19th January, 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), to facilitate refund of unspent balance of pre-paid mobile subscribers and security deposit of the post paid subscribers pursuant to closure of 2G/GSM, CDMA services and discontinuation of voice services in all the licensed services areas by M/s Reliance Communications Limited.

No.116-23/2017-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), 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 Reliance Communications Limited (hereinafter referred to as M/s RCL) has, vide its letter dated 31st October 2017, intimated the Authority that with effect from 1st December, 2017, M/s RCL shall discontinue 2G/GSM services in Andhra Pradesh, Haryana, Maharashtra, UP(East), UP(West), Tamil Nadu, Karnataka and Kerala licensed service areas and necessary intimation has been sent to all the subscribers to port out their mobile number to any other service provider of their choice, in case they do not wish to continue with 4G data services of M/s RCL;

4. And whereas M/s RCL informed the Authority, vide their another letter dated the 1st November, 2017, that M/s RCL shall discontinue its CDMA services with effect from 23:59 Hrs of 30th November, 2017 and upgrade the network from CDMA to LTE in 800 MHz band, with effect from 1st December, 2017, in Delhi, Rajasthan, UP (West), Tamil Nadu, Kerala, Karnataka, West Bengal, Gujarat and Kolkata licensed service areas, post approval of Department of Telecommunications on implementation of scheme of arrangement/ amalgamation for transfer and vesting of telecommunication business of Systema Shyam Televentures Limited to M/s RCL;

5. And whereas the Authority, vide direction dated the 3rd November, 2017, *inter-alia*, directed M/s RCL to generate Unique Porting Codes (herein after referred as

UPCs) for all its subscribers in the licensed service areas mentioned in para 3 and 4 above and keep all the UPCs generated pursuant to the date of direction i.e. 3rd November, 2017 and UPCs generated prior to this date which were valid on the said date, valid till 23:59:59 hours of 31st December, 2017, which was further extended till 23:59:59 hours of the 31st January, 2018, vide direction dated 1st January, 2018;

6. And whereas M/s RCL, vide letter No. RCL&RTL/TRAI/17-18/7673 dated 29th November, 2017, informed the Authority regarding discontinuation of voice services and to provide only high speed data services in licensed service areas of Bihar, Delhi, Himachal Pradesh, Jammu & Kashmir, Kolkata, Madhya Pradesh, Mumbai, Orissa, Punjab, Rajasthan and West Bengal with effect from 29th December, 2017;

7. And whereas the Authority, vide para 8(ii) of the direction 116-9/2017-NSL-II dated 17th November, 2017 and para 12 (xii) of the direction 116-9/2017-NSL-II dated 13th December, 2017, inter-alia, directed M/s RCL to furnish monthly report of subscriber –wise information of unspent balance amount in the MS excel format given below for all the ported out prepaid subscribers, w.e.f. the date of Direction dated 3rd November, 2017, and 13th December, 2017 respectively till 31st January, 2018:-

LSA	MSISDN (Mobile number)	Date of porting	Balance amount of recharge of all kind (voucher/plan) left with M/s RCL


[Note: Data for the month of November, 2017 to be submitted by 1st December, 2017, data for the month of December, 2017 to be submitted by 1st January, 2018 and data for the month of January, 2018 by 1st February, 2018]

8. And whereas the Authority, vide para 8(iii) of the direction 116-9/2017-NSL-II dated 17th November, 2017 and para 12 (xiii) of the direction 116-9/2017-NSL-II dated 13th December, 2017, directed M/s RCL to furnish by 10th January 2018 and 10th February, 2018, respectively, subscriber –wise information in MS excel format given below for all the prepaid mobile numbers who could not be ported out till 31st December 2017 and 31st January 2018:-

LSA	MSISDN (Mobile number)	Balance amount of recharge of all kind (voucher/plan) left with M/s RCL

9. And whereas the Authority has received large number of complaints from the subscribers of M/s RCL, who have either ported out or still not ported out from the network of M/s RCL, regarding refund of balance amount left with M/s RCL 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;

10. And whereas pursuant to closure of 2G/GSM, CDMA services and discontinuation of voice services in the licensed services areas mentioned para 3, 4 and 6 above by M/s RCL, large number of subscribers, both prepaid and postpaid, have been inconvenienced and forced to port out their mobile number to other service


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provider or they would not be able to use the services beyond the sunset date as declared by M/s RCL;

11. 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 closure of services has forced large number of mobile subscribers of M/s RCL to either port out or lose their mobile numbers and leave behind their unspent prepaid balance amount and security deposit with M/s RCL in the form of recharge coupon/ plans;

12. And whereas the regulation 14 (2) 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;

13. And whereas the Authority is of the view that in view of abnormal circumstances, M/s RCL 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 who would neither be able to port out their mobile numbers nor would be able to use the services beyond the sunset date as declared by M/s RCL;

14. And whereas the 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;

15. 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) M/s Reliance Communications Limited 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 31st March, 2018, mentioning number of subscribers successfully refunded security deposit 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 November, 2017 to the 31st January, 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 30 th November, 2017	15 th February 2018
	1 st to 31 st December, 2017	
	1 st to 31 st January, 2018	

(iii) process refund to the prepaid mobile subscribers who do not wish to port out their mobile number or are not able to port out by 31st January, 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 paras 3, 4 and 6 above, out of which one newspaper should be of national level of circulation (in the language Hindi or English) and another newspaper should be in regional language having the following text:-

"Dear RCL mobile subscriber (name of the -license service area/ license service areas-),

This is with reference to recent closure of 2G/ GSM, CDMA and voice services. As per TRAI direction, in case you do not wish to port out 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 sought from M/s RCL)	
Subscriber's alternate mobile number for communication	
Subscriber's email address	
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.rcom.co.in)	(M/s RCL to provide complete URL with a form as mentioned in the table above to be submitted online and provide acknowledgement number)
Through email address	(M/s RCL to provide email id's and provision auto generated acknowledgement)
Physically at the office/center of M/s RCL	(M/s RCL to provide complete address of at least one officer/ center in each of the licensed service areas)

Through Courier/ Speed Post	(M/s RCL to provide centralized address for the licensed service areas)
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- (B) submit compliance of the direction contained in para (A) above, to the Authority within seven days of issue of this direction and 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 above;
- (C) verify the credentials of the subscriber based on the inputs as per PoI and PoA with the database available with M/s RCL and process the refund electronically, into the bank accounts of the subscribers by 15th February, 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 M/s RCL as per the notice published by the service provider under para (A) above, by means of a crossed cheque at the postal address contained in their Customer Acquisition Form;

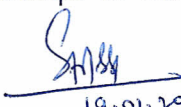
(iv) submit the following information to the Authority by 15th February, 2018

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 31st March, 2018, together with the unspent prepaid balance amount along with number of subscribers available with M/s RCL to whom refund could not be provided and reasons thereof of such mobile subscribers;

(b) all Telecom Service Providers:-

- (i) as recipient operator, for the ported subscribers, to credit the refund amount received from M/s RCL 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 M/s RCL.


 19.01.2018
(Syed Tausif Abbas)

Advisor (Network, Spectrum and Licensing)

To,
All Access Service Providers (Wireless)

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