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EXTRAORDINARY PART III SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, the August, 2012

THE TELECOMMUNICATION TARIFF (FIFTY SECOND AMENDMENT) ORDER,
2012

No. of 2012

No. 301- /2012-ER.— In exercise of the powers conferred upon it under sub-section (2) of section 11, read with sub-clause (i) of clause (b) of sub-section (1) of the said section, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following Order further to amend the Telecommunication Tariff Order, 1999, namely: -

1. (1) This Order may be called the Telecommunication Tariff (Fifty Second Amendment) Order, 2012.

(2) This Order shall come into force from the date of its publication in the Official Gazette.

2. In clause (2) of the Telecommunication Tariff Order, 1999 (hereinafter referred as the principal tariff order), in sub-clause (l), for the words “within SEVEN days”, the words “within seven working days” shall be substituted.

3. In clause 7 of the principal tariff order, ----

(a) After sub-clause (ii), the following sub-clause shall be inserted, namely:-

“(iii) if any service provider fails to comply with the Reporting Requirement, it shall, without prejudice to the terms and conditions of

its licence, or the provisions of the Act or rules or regulations or orders made, or directions issued, thereunder, be liable to pay five thousand rupees, by way of financial disincentive, for every day of delay subject to maximum of two lakh rupees as the Authority may by order direct:

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the tariff order observed by the Authority.”

(b) sub-clause (v) shall be omitted.

(c) sub-clause (vi) shall be omitted.

(d) for sub-clause (vii), the following sub-clause shall be substituted, namely:-

“(vii) No service provider shall terminate any existing tariff plan without giving a notice of not less than thirty days to the subscriber of its intention to terminate the tariff plan.”

4. After Clause 7 of the principal tariff order, the following clause shall be inserted, namely:-

“7-A. Consequences for levy of excess charge by the service provider:-

If the Authority finds that a service provider has collected from its subscribers any amount in violation of the provisions of this tariff order, the Authority may, by order, direct such service provider to refund such amount to the subscribers and also to pay, by way of financial disincentive, an amount not exceeding the amount collected from the subscribers:

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the tariff order observed by the Authority.”

(Raj Pal)
Advisor (F&EA)

Stakeholders are requested to send their comments preferably in electronic form by 20th August 2012 on email Id raj.pal@nic.in or eco@traigov.in. For any clarification/information, Shri Raj Pal, Advisor (F&EA) may be contacted at Tel.No.+91-11-23230752, Fax No.+91-11-23236650

Last date for receiving comments has been extended up to 3rd September, 2012, forenoon.