Comments on Final Consultation Paper No 3/ 2017, TRAI:

By: DrSouvik Chatterji,

22/6, Kalicharan Ghosh Road, Flat Chayabitan, 1st Floor, Kolkata 700050.

Phone – 09163017214, Email: souvikchatterji2000@gmail.com

1. In respect of Point No 3.2 on 19, there is no specification as to what will be the time period till which predatory tariffs of companies will be monitored. **There has to a time period specification may be for 1 year or 2 years. Secondly there is no mention whether intent of the company will be taken into consideration, because at any point of time when the company will be questioned on predatory tariff, the company can say they have created the below cost tariff for the benefit of the consumers.**

2. In respect of point no 3.4, on page 20, there is straight jacket formula created by TRAI which says significant market power will mean at least 30 % of total activity in licensed telecommunication service area. **In this context there has to be a mention that market power will show that the company has capability of abusing its dominance. Other factors of abuse like different market share of the company having market power with other company has to be mentioned because abuse will definite upon many factors including market power and market share.**

3. **The only form of abuse of dominance in respect of the telecom sector has been shown as predatory tariffs and predatory pricing. But in the Telecom sector there can be instances of cartelization of different telecom companies, price fixation of a number of telecom companies, so in the consultation these things are missing. The Telecom department, thereby TRAI and TDSAT should also device steps of anticipating cartelization so that the anti-competitive practice should be prevented at the doorstep.**

4. **There is also no safeguards taken against Forum shopping. There are many areas where both TRAI and CCI have same jurisdiction. Also TDSAT and COMPAT have same jurisdiction. So there should have been mention about areas where there is overlap of jurisdiction and how to prevent the same.**