

Telecom Regulatory Authority of India
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TRAI orders mobile service providers to report compliance of non discriminatory tariffs and intervened against discriminatory tariff of Hutch (Aircel Digilink India Ltd.)

In May 2005, the Department of Telecommunication (DoT) had amended licences of CMTS/UAS/Basic and NLD Services permitting inter-service area connectivity between access providers within the four States viz; Maharashtra, West Bengal, Tamil Nadu and UP. The arrangement for dialing and routing of calls in these states were different when compared to other states in India, therefore, in the public interest, this aberration was corrected. As per the amended licence conditions, calls within each of the aforesaid four States were treated as intra-service area calls for the purpose of call routing and levy of ADC. Interconnection Usage Charges (IUC), ADC and tariffs were required to be as per TRAI's prevailing Regulation/Determination/ Direction/Order.

Subsequently some of the private mobile operators present in these states specified higher tariff for calls terminating in the mobile networks of BSNL/MTNL within these states. The Authority examined this differential tariff issue and found that it was discriminatory, inconsistent with the amended licence conditions notified by DoT and was preventing the consumers from getting full advantage of the Government decision to allow inter-service area connectivity within the aforesaid four States. In view of above, the Authority issued a direction in February 2006 to all the mobile operators in these four States to immediately discontinue such differential tariff and report compliance.

Some of the private mobile operators appealed against this direction of TRAI before Hon'ble Telecom Disputes Settlement Appellate Tribunal (TDSAT). Hon'ble TDSAT did not find any merit in the appeal and the same was dismissed vide its recent order dated 22.12.2006. In the light of the TRAI's Direction and the Order of TDSAT, the Authority has ordered all the mobile service providers in

these states to report compliance to TRAI direction by 23rd January 2007 and intimate to the Authority, the date from which the mobile service providers have been complying with the said Direction.

Subsequently TRAI has intervened against the discriminatory tariff of Hutch in the UP (East) service area. On 22.12.2006, Hutch implemented four postpaid tariff plans in which tariff for calls terminated in BSNL mobile in UP (West) and Uttaranchal was Rs. 2.40 per minute whereas lower call charges were applicable for calls to other mobile networks of UP(West) and Uttaranchal. The Authority held that such higher differential call charges in respect of calls to BSNL mobile are against the principle of non-discrimination and are a violation of TRAI direction dated 27.2.2006.

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