Telecom Regulatory Authority of India

Notification

New Delhi, the 8th June, 2005

No.409-10/2005-FN

In exercise of the powers conferred upon it under section 36 read with paragraphs (ii), (iii) and (iv) of clause (b) of sub-section (1) of Section 11 of the Telecom Regulatory Authority of India Act, 1997, the Telecom Regulatory Authority of India hereby makes the following Regulation, namely:

1. Short title, extent and commencement:

(i) This Regulation shall be called " Telecom Regulatory Authority of India (Transit Charges for Bharat Sanchar Nigam Limited's CellOne Terminating Traffic) Regulation, 2005 (10 of 2005)"

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(ii) This Regulation shall come into force with effect from 3rd May, 2005 in compliance with the Hon'ble TDSAT's order dated May 3, 2005 in Petition No. 20/2004 (Cellular Operators Association of India and others Vs Bharat Sanchar Nigam Limited & others.)

2. Transit Charges for accessing BSNL's CellOne subscribers -

No transit charge shall be levied by BSNL (Bharat Sanchar Nigam Limited) on Cellular Operators for accessing BSNL's CellOne subscribers, wherever the MSCs of both BSNL's CellOne and Private CMSOs' are connected to the same BSNL switch.

3. Explanatory Memorandum

This Regulation contains at Annex A, an explanatory memorandum that explains background and reasons for issuance of this Regulation.

BY ORDER

[RAJENDRA SINGH]
Acting Secretary

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Annexure– A

EXPLANATORY MEMORANDUM

1. This regulation is issued in compliance of the Hon'ble TDSAT's order dated May 3, 2005 in Appeal No. 31 of 2003 (BSNL Vs TRAI) and Petition No. 20/2004 (COAI and 6ors. Vs BSNL and ors.).

2. There has been no direct connectivity between BSNL Cellular and other private CMSPs. Traffic terminating in BSNL CellOne network was being routed through BSNL's PSTN switch and was being charged @ 19 paise per minute.

3. The relevant quote from the Hon'ble TDSAT's Order dated May 3, 2005 in Appeal No. 31 of 2003 (BSNL Vs TRAI) and Petition No. 20/2004 (COAI & ors. Vs BSNL & ors.) is as follows:

" On consideration of level playing field, we direct that BSNL should stop charging 19 paise from cellular operators by way of transit charges for accessing BSNL CellOne subscribers, wherever the MSCs of both BSNL CellOne and Private CMSOs are connected to the same BSNL switch. We are of the view that our direction will take effect from the date of this judgement and we authorize TRAI to make this part of the regulatory regime."

4. Generally TRAI regulations or amendments to Regulations are not given retrospective effect in the absence of specific empowerment in this regard. But the present regulation is being made effective from retrospective date i.e. date of TDSAT's order dated 3rd May 2005 in compliance with TDSAT's Order.

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