October 13, 2025

Dr. Deepali Sharma,
Advisor (B&CS),
Telecom Regulatory Authority of India,
World Trade Centre
4th, 5th,6th & 7th Floor, Tower F
Nauroji Nagar
New Delhi-110029

Sub: Response of Dish TV India Limited to the Draft "Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Seventh Amendment) Regulations, 2025"

Dear Sir,

We hereby submit our response to the TRAI the Draft "Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Seventh Amendment) Regulations, 2025.

Please find enclosed the same.

Thanking you,

Yours truly,
For **Dish TV India Limited**

Shivendra Krishna Singh
Authorized Signatory

Encl: a.a

Copy to:
Ms. Sapna Sharma, Joint Advisor (B&CS)

Dish TV India Limited response to the Draft "Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Seventh Amendment) Regulations, 2025" (hereinafter "Draft Regulations")

While we submit our comments on the Draft Regulations, we believe that the existing regulatory framework regarding the audit provisions is finely balanced and adequately serves the interest of both the broadcasters and the Distribution Platform Operators (DPOs). The current audit mechanism was formulated after a comprehensive and inclusive consultation process, providing all stakeholders an opportunity to express their views. Thereafter, necessary amendment to cater the need of the broadcasters has also been brought in the same by way of amendment. Moreover, the existing provisions do not deter a broadcaster to take a measure against an errant DPO. Therefore, there is no need to either modify or remove either clause 15(1) or 15(2). Further, TRAI also has enough powers under the regulation to act against the errant DPOs.

Further, there has been no substantial change in the broadcasting distribution ecosystem that necessitates an alteration of the audit framework. The proposed amendments do not address any specific deficiencies or emergent challenges in the current system. Instead it may lead to disrupt the existing stable and well-functioning process without offering any tangible benefits. It is therefore requested that the existing provisions be retained, and that any future modifications should be undertaken only after a detailed stakeholder consultation and impact assessment to preserve transparency, fairness, and operational efficiency.

We understand the intent of TRAI to enhance transparency and accountability in the broadcasting distribution sector, however, recourse to be taken in order to translate such objective should be fair, justified and should be proposed keeping the interest of all the stakeholders. More so, all the proposed amendments should first be discussed thoroughly in the consultation process. Unfortunately there is at least one issue which was never discussed during any consultation process and the Draft Regulations bypasses established consultation procedures in incorporating such a regulation. The TRAI Act, 1997 mandates the Authority to hold the consultation process in order to ensure transparency, inclusiveness, and informed decision-making. But the following proposed amendment was never discussed in any consultation process:

A. **<u>Presence of Broadcaster's representative during the conduct of Audit under 15(1):</u>**

The Draft Regulations entitles the right to the broadcaster to depute one representative to attend the audit exercise. The rationale behind the same is that the Authority feels that presence of such representative will ensure that the issues/concerns of the broadcasters are taken care of during the audit which may build trust in audit conducted.

It is, however, respectfully submitted that the such a provision singularly has the potential to jeopardize the entire audit exercise, let alone brining any good to the audit process. Its inclusion appears to be a procedural anomaly which is like a "parachute landing" while the same is also being inconsistent with the consultative process mandated under the TRAI Act. We strongly oppose this insertion, as this will have potential and far reaching implications for the integrity and efficiency of the audit process.

The Authority must appreciate that if each broadcaster appoints one representative, the same would mean 10-15 additional individuals being present during the entire duration of the audit which will lead to operational challenges and logistical nightmare. In fact, even a single representative, if appointed by all the broadcasters would create enough disturbance to jeopardize the audit's objectivity. The Draft Regulations are silent about whether these representatives would participate in technical audits, subscription audits, or both, and therefore raising concerns about role clarity and feasibility as well. Also, if their participation is allowed in the subscription audit, this would mean compromising with the data of the broadcasters because a representative would be accessing the data of all other broadcasters as well.

As stated above, the existing regulatory framework already provides adequate provisions for broadcasters to raise concerns, which are duly addressed by the DPOs during the audit. Therefore, the proposed clause is not only procedurally untenable but also risks undermining the neutrality and effectiveness of the audit mechanism.

We therefore request the Authority to delete this provision from the Draft Regulations. We are sure that this clause, if formed part of the consultative process would have been discarded by the Authority itself.

In addition to the above, we have objections against other proposed amendments as well which, as per us, were neither necessary nor required. As stated above, any amendment is proposed to remove any infirmity in the existing provisions or when the existing provisions are creating problems in its compliance or the same has become redundant which creates a necessity to ensure a law remains relevant, functional, and in compliance with current legal or social standards. We believe that the following changes were thus not required.

B. <u>Shift from Calendar Year to Financial Year:</u>

We fail to understand that necessity to replace the audit period from the existing calendar year to financial year. In our response to the consultation paper, we had stated that the existing provision of annual audit in a calendar year with a minimum and maximum gap between two consecutive audits was fine and there was no need to modify the same. The reason cited in the consultation paper as well as in the Draft Regulation lacks merit as there is absolutely no connection between the period of audit under TRAI Regulation and the financial reporting by a Company as per Companies Act, 2013.

The current calendar year-based audit cycle aligns with operational timelines and reporting formats followed by most DPOs and broadcasters. A shift to the financial year would disrupt audit schedules which are already established. No compelling rationale has been provided to justify this shift, and such a change should only be considered after thorough stakeholder consultation and impact assessment.

Furthermore, the same manpower and resources are typically deployed for both statutory and subscription audits. Altering the audit period would require a complete overhaul of planning and resource allocation, potentially leading to operational strain and increased costs.

It is thus requested that the existing provision of calendar year as the audit period may be retained to preserve continuity, resource efficiency, and operational stability.

C. <u>Submission of Audit Report by 30th September:</u>

We have no objection to the introduction of a defined timeline for the submission of audit reports by the DPOs as it brings clarity and accountability to the audit process. However, the proposed reduction of the timeline from the existing 12 months to just 6 months is not justified and raises serious concerns.

The Authority is aware that Audit is a comprehensive and resource-intensive exercise that involves the testing and validation of the entire technical and operational infrastructure of the DPO. It also requires meticulous verification of data and reports pertaining to every pay broadcaster. Given the scale and complexity of this task, a 6-month window is impractically short and may compromise the quality and thoroughness of the audit.

Moreover, the same manpower teams are typically engaged in both statutory and subscription audits. Compressing the timeline would place undue pressure on these shared resources which would may to errors, and incomplete evaluations. We suggest a more reasonable timeline of 9 months, which would allow enough time to do a thorough job without unnecessary delays.

We believe that the Authority would sincerely consider the issues raised above before proceeding to give final shape to the Draft Regulations.

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