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BSNL
Connecting Bharat

भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No. BSNLCO-RGLN/25/1/2026-REGLN/E-783633 dated 28.08.2026

To,

Shri Tejpal Singh

Advisor (QoS-I), Telecom Regulatory Authority of India

Email: adv-qos1@trai.gov.in

Subject: Comments of Bharat Sanchar Nigam Limited (BSNL) on the Consultation Paper on Draft Amendments in 'The Standards of Quality of Service of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024', dated 5th August 2026.

Sir,

BSNL welcomes the opportunity to submit its comments on the captioned Consultation Paper. BSNL supports the Authority's overall objective of strengthening the Quality of Service (QoS) framework and enhancing consumer protection, and remains committed to compliance with regulatory requirements and to the delivery of reliable telecom services across the country. At the same time, BSNL wishes to submit the following preliminary/general observations for the Authority's kind consideration, followed by clause/parameter-wise comments in the format prescribed by the Authority.

Part A: Preliminary/General Submissions

A.1 Public-service character and nation-building role of BSNL

As India's public sector telecommunications service provider, BSNL plays a critical role in fulfilling national connectivity objectives, particularly in rural, remote, and geographically challenging areas where private operators find commercial operations unviable. BSNL's operations are guided by public-service obligations that extend beyond purely commercial considerations. BSNL is presently undertaking one of the world's largest indigenous 4G network rollouts, with more than 1,00,000 sites being deployed, and is concurrently implementing the BharatNet rural broadband infrastructure, PM-WANI and SAS projects in partnership with the Government of India. These initiatives are of significant strategic and national importance requiring substantial financial resources.

BSNL requests that the Authority give due consideration to this public-service character and these ongoing national initiatives while finalising the **scale and structure of compliance obligations and financial disincentives** applicable uniformly across all TSPs.

A.2 BSNL's resource constraints and the compounding cost of regulatory

compliance

BSNL is a cash-constrained Government of India enterprise. Each incremental QoS obligation proposed in the draft amendment, such as accuracy-verified coverage maps, the Schedule-III GIS/API framework, Silence Call Rate detection, QoES data feeds and more granular compliance reporting — requires dedicated capital and recurring operational expenditure on measurement, monitoring and reporting systems that BSNL is presently not resourced to absorb this extra expenditure without harming the capex earmarked for network rollout and service improvement in commercially challenging areas. Excessive and recurring financial disincentives compound this constraint by diverting resources away from network maintenance, expansion and continued service in non-remunerative areas. This will ultimately be risking consumer interest in regions where BSNL is the sole or primary service provider.

BSNL requests that the Authority undertake a **compliance-cost impact assessment** before finalising the amendment and consider a differentiated implementation timeline/financial support mechanism for the Government TSP.

A.3 Asymmetric obligation of indigenous ('Make in India') sourcing

BSNL is bound by Government of India policy to source telecom network equipment exclusively from indigenous/trusted sources and to progressively deploy the indigenously developed 4G/5G stack, an obligation that does not apply with equal force to other TSPs. As Indian telecom-equipment and solution providers continue to mature their product offerings to match globally proven alternatives, BSNL's network performance on stringent, technology-agnostic benchmarks is inherently constrained by factors outside its direct control.

BSNL requests that the Authority build in a reasonable relaxation, or **a phased/glide-path compliance timeline,** for benchmarks in this amendment for TSPs deploying indigenous network equipment pursuant to a Government sourcing mandate.

A.4 Legacy network footprint and inapplicability of 5G-specific provisions

A significant portion of BSNL's access and wireline infrastructure continues to operate on legacy equipment and architecture, being modernised in phased manner and at present BSNL does not operate a 5G network. Parameters designed around mature, pan-India 5G-SA/network-slicing deployment (PRB-utilisation reporting, network-slicing capacity declarations) are accordingly not applicable to BSNL at this stage, and BSNL is not in a position to offer substantive comments on their feasibility or benchmark reasonableness.

A.5 The nomenclature and scale of 'Financial Disincentives'

BSNL submits that describing a monetary levy as a **'financial disincentive'** rather than a **'penalty'** does not alter its substantive character; it remains a punitive, deterrent monetary consequence imposed for non-compliance.

BSNL is concerned that:

a. the existing cap of Rs. 10 lakh under Regulation 17(1) which presently limits the cumulative ₹5,000-per-report-per-day disincentive for delayed submission of compliance reports is proposed to be deleted; in its place, a new disincentive of up to ₹10 lakh per report is introduced for reports delayed beyond three months, an irrational "one-day cliff-edge" (89 days ≈ ₹4.45 lakh vs 91 days flat ₹10 lakh).
b. no linkage is proposed between the size/turnover of the TSP and the quantum of financial disincentive, unlike several international regulatory regimes which expressly calibrate penalties to the regulated entity's turnover and to the

proportionality/severity/intent behind the contravention;

Illustration:

Ofcom (UK) statutorily under Section 392 of the Communications Act 2003 is required to publish penalty guidelines. Under UK law, Ofcom **caps** penalties at 10% of their annual turnover for breaking communication rules. Ofcom looks at specific factors to decide the final penalty amount:

- **Company size:** the size, turnover of the regulated body and income of the business.
- **Financial gain:** any financial gain from the breach;
- **Consumer harm:** the degree of harm caused to consumers by the breach;
- **Third-party fault:** the extent of third-party responsibility for the breach,
- **Duration:** the duration of the contravention.

[https://www.ofcom.org.uk/about-ofcom/what-we-do/regulatory-consumer-competition-enforcement] [https://www.ofcom.org.uk/about-ofcom/corporate-policies/penalty-guidelines]

Recent Fines Issued by Ofcom

Ofcom actively enforces its rules and issue penalties when companies violate regulations. Some recent actions may be referred below:

- **Virgin Media (£28 million):** Fined in **July 2026** for making it deliberately difficult for customers to cancel broadband, TV, and phone contracts. This represents Ofcom's largest-ever fine for direct consumer harm. *[https://www.ofcom.org.uk/phones-and-broadband/switching-provider/ofcom-fines-virgin-media-28m-for-repeatedly-preventing-customers-from-cancelling-contracts]*
- **Virgin Media (£23.8 million):** Fined in **December 2025** for failing to protect vulnerable "telecare" alarm users while migrating customers from copper lines to digital landlines. *[https://www.ofcom.org.uk/phones-and-broadband/vulnerable-customers/ofcom-fines-virgin-media-23.8-million-for-putting-vulnerable-customers-at-risk-of-harm]*
- Penalised in **2026** for repeatedly violating statutory broadcasting rules. *[https://www.ofcom.org.uk/enforcement]*

Similarly, the US Federal Communications Commission under Communications Act expressly requires the Commission to consider a violator's **'ability to pay'** as a statutory factor before finalising a forfeiture amount. It publishes a Forfeiture Policy Statement setting by category of violation, mitigating factors, and per-violation per-day caps.

BSNL requests that the Authority consider a comparable, published, turnover/size-linked and factor-based approach in place of the flat, size-agnostic amounts presently proposed under Regulations 16, 16A, 16B and 17.

c. Regulations 16, 16A, 16B and 17 can operate cumulatively/cascadingly for the same or related underlying deficiency, with no safeguard against multiple disincentives for a single root cause;

Illustration:

A single fibre cut caused by third-party excavation/ unforeseen reason could simultaneously

i. breach the Significant Network Outage benchmark under Regulation 6(1)(iv)/9(1)(xi) (attracting disincentive under Regulation 16),
ii. cause the resultant PMR figures — computed from raw data affected by the same outage — to diverge from TRAI's independently calculated figures beyond the prescribed 1% tolerance (attracting disincentive under Regulation 16A), and
iii. delay submission of the root-cause compliance report for the same event beyond the prescribed timeline (attracting disincentive under Regulation 17)

resulting in three separate financial disincentives for what is, in substance, a single external, unforeseen event. BSNL requests that the Authority incorporate an express **'single root cause, single disincentive'** safeguard to prevent such cumulative stacking.

d. amounts recovered as financial disincentive under Regulations 16, 16A, 16B and 17 are proposed to be remitted to a Government's head of account, rather than applied towards direct consumer compensation (as is done in case of significant network outages, through the rebate mechanism in the same draft) or ploughed back into network-improvement obligations of the defaulting TSP. The penalties can never be a source of revenue generation to Government, Hon'ble Supreme Court/ High Courts have made such observations in several cases of CAF and EMF penalties against the DoT.

BSNL requests the Authority to examine, whether it has undertaken any empirical, comparative or **India-specific assessment** which establishes of whether financial disincentives/penalties **of this nature and scale** have demonstrably contributed to improvement in QoS outcomes or its merely being a compliance-enforcement tool.

International practice suggests a more calibrated approach:

for instance, Ofcom (UK) has in documented cases declined to impose any financial penalty for **narrow, non-deliberate QoS shortfalls where the operator demonstrated genuine remedial effort and mitigating circumstances,** and directs a substantial share of QoS-related consumer detriment towards automatic compensation paid directly to affected subscribers, rather than to the regulator.

BSNL requests that the Authority consider incorporating comparable proportionality safeguards, such as linking to TSP turnover/size, consider genuine mitigating circumstances and mala fide intent before imposing a disincentive. Authority is requested to examine for plough back the disincentive amount to the network of same TSP for improvement in QoS, before finalising the amendment.

[The relevant reference documents — Ofcom's Penalty Guidelines (issued under Section 392 of the Communications Act 2003), Ofcom's Statement on Automatic Compensation, and 47 CFR § 1.80 together with the FCC's Forfeiture Policy Statement]

A.6 Statutory basis for financial disincentives

BSNL requests the Authority to specify statutory provision(s) under the TRAI Act, 1997 (including Section 11 and Section 36) under which recurring, escalating and (as proposed) uncapped financial disincentives of the nature and scale contemplated under Regulations 16, 16A, 16B and 17 are levied. Also, clarify how such levies are distinguished, in law, from a penalty requiring adjudicatory safeguards.

BSNL further requests that before any order for payment of financial disincentive is passed, the TSP be given a meaningful (not merely notional as being done presently) opportunity to demonstrate that the underlying cause was bona fide, beyond its reasonable control (including force majeure, third-party damage to infrastructure, or system/data-reconciliation issues), or already under active remediation. It should not be dealt in a mechanical way.

A.7 Need for an independent, merit-based review/appeal mechanism, and a reasoned basis for the quantum of financial disincentives

BSNL submits that the present process for imposition of financial disincentives — issuance of a show-cause notice, a 15-day window for reply, and a decision on that basis — functions, in practice, as a largely procedural exercise rather than a considered adjudication on the merits of each case.

BSNL has, on several past occasions, made representations supported by documentary evidence showing that the underlying cause of a shortfall was not attributable to BSNL; such representations should be examined afresh and, on their merits, before any financial disincentive is confirmed. BSNL requests that the Authority put in place:

i. an independent review/appellate mechanism — akin to an ombudsman — distinct from the office that issues the show-cause notice and confirms the disincentive, so that the same authority is not both prosecutor and adjudicator;
ii. a genuine second opportunity, after the show-cause reply, for the TSP to reconcile data and rectify the underlying root cause before a financial disincentive is confirmed, rather than confirmation proceeding once a reply is filed; and
iii. a clearly defined further right of representation (a second/third-level appeal) where a TSP has additional facts or evidence that could not be presented within the initial 15-day reply window.

BSNL further submits that the quantum of financial disincentive proposed across the amendment does not appear to be derived from any published, reasoned methodology. Within this single amendment itself: the first-contravention disincentive is ₹1 lakh under Regulation 16 (benchmark failure), ₹2 lakh under Regulation 16A (false reporting), and ₹5 lakh under Regulation 16B (any other non-compliance) — three different starting points for conceptually similar categories of non-compliance — while the escalation curve for repeat contraventions likewise differs across provisions (₹1→2→3 lakh under Regulation 16; ₹2→5→10 lakh under Regulation 16A; ₹5→8→10 lakh under Regulation 16B), with no stated basis in the Explanatory Memorandum for why these particular figures — rather than(why not) e.g. ₹100 or ₹1 crore were considered appropriate.

BSNL requests the Authority to undertake the regulatory impact assessment, cost-benefit analysis, or other empirical study to arrive at these specific amounts, in the same manner that Ofcom's and the FCC's published guidelines set out the criteria and methodology underlying their penalty quanta or find out a mechanism to cultivate the same to strengthen the TSPs network to eradicate root cause.

BSNL also draws attention to the cliff-edge effect created by the proposed amendment to Regulation 17: a compliance report delayed by, say, 89 days would attract a cumulative disincentive of up to about ₹4.45 lakh (at ₹5,000/report/day), whereas a report delayed by 91 days — merely one day beyond the three-month threshold — would attract a flat disincentive of up to ₹10 lakh, more than double, for a marginal difference of a single additional day of delay.

BSNL requests that the Authority examine whether such a threshold-triggered jump in liability bears any demonstrable relationship to improvement in QoS outcomes, or whether it is a disproportionate cliff relative to the marginal harm (if any) caused by the additional day of delay. More broadly, BSNL requests that before finalising the amendment, the Authority is requested to review its study demonstrating that financial disincentives of the nature and scale proposed have, in fact, led to measurable improvement in QoS outcomes. It should not be merely an enforcement/revenue mechanism rather the funds recovered as financial disincentive would, in BSNL's respectful submission, have been better deployed by the TSP directly towards network improvement.

A.8 Recommended regulatory approach and summary request

BSNL respectfully submits that the proposed amendments be finalised only after incorporating a proportionate, graded and context-sensitive regulatory framework that includes:

e. reasonable tolerance limits and exclusions (including for force majeure, third-party damage, and system/data-reconciliation issues) built into benchmarks and the financial-disincentive framework;
f. an opportunity for reconciliation and rectification, and a requirement to establish mala fide/material intent, before any financial disincentive for reporting mismatches is imposed;
g. safeguards against multiple/cascading financial disincentives being levied for the same underlying deficiency, and a reasonable aggregate/overall cap on cumulative financial disincentive;
h. an independent, ombudsman-like review/appeal mechanism, with a genuine opportunity to reconcile and rectify before confirmation of any financial disincentive, and a defined further right of representation;
i. a published, reasoned basis (regulatory impact assessment/cost-benefit study) for the quantum of financial disincentive, consistent with international practice such as Ofcom's and the FCC's published guidelines;
j. a reasonable glide path/relaxation in technology-linked benchmarks for TSPs bound by Government indigenous-sourcing mandates and/or carrying a significant legacy/rural network footprint or no current 5G deployment; and
k. due consideration to the PSU/public-service character of BSNL and its ongoing national connectivity initiatives (indigenous 4G rollout, BharatNet, PMWANI, SAS) in calibrating the overall compliance and financial-disincentive burden.

Part B: Clause-wise/Parameter-wise Comments

(In the format prescribed at page 3 of the Consultation Paper)

S. No.	Para No. of Draft Notification	Input / Comment / Counter-Comment	Justification with Supporting Reference
	Para 4(a)(i) / Regulation 6(1)	The benchmark for 'accuracy of service-wise geospatial coverage map' is proposed at ≥98%, verified through drive test/MySpeed App with no margin allowed on drive-test data. BSNL submits that publication of coverage maps is inherently based on predictive propagation plots, and actual on-ground signal availability at any given point in time is additionally governed by dynamic factors like clutter around the cell, weather conditions, network loading and the number of	TRAI's own Direction dated 22.11.2024 (No. RG-17/(3)/2022-QoS) and its Annexures 3.1 & 3.2 confirm that publication of coverage maps is based on prediction plots. The Explanatory Memorandum itself (para 2.5(b)) records that such maps are 'based on predictive modelling without right inputs like 3D

1	(i) [Coverage-map accuracy]	active users in a cell at that instant. None of which can be predicted or guaranteed in advance. A rigid **'accuracy'** benchmark cannot, therefore, be committed to for what remains fundamentally a prediction-based map. BSNL requests that the parameter be reframed to assess reasonable/best-effort alignment between the prediction methodology and field validation (with an appropriate tolerance band and periodic recalibration), rather than a fixed 98% accuracy figure with zero drive-test margin.	maps, clutter, antenna height or tilt, attenuation characteristic of different objects etc.' and 'may not reflect on-ground network conditions' — i.e., TRAI's own reasoning acknowledges the inherent variability that a zero-tolerance 98% accuracy benchmark does not account for.
2	Para 2.29 / Schedule-III [Coverage-map GIS/API framework]	The proposed Schedule-III mandates technology-wise coverage maps on a standardised GIS/grid framework with API-based submission of coverage data to TRAI. This requires significant system-level changes, database re-architecture and integration effort. Given BSNL's current resource constraints, compliance within the proposed effective date is not achievable. BSNL is not, at this stage, in a position to comply with this requirement, and requests that this provision be reconsidered in light of BSNL's present resource constraints.	At this crucial period, with bare minimum of resources, implementation of a standardised GIS/grid and API-based submission framework will impose significant additional operational and financial burden on BSNL over and above its existing network-modernisation priorities.
3	Para 4(a)(iv) / Regulation 6(1)(iv) [Significant Network	The proposed definition of Significant Network Outage (SNO) treats an event as reportable where either (a) a district experiences unavailability for more than 4 hours, or (b) more than 10% of subscribers in the entire LSA experience complete loss of service for more than 4 hours. BSNL submits that restoration beyond 24 hours is frequently caused by factors entirely outside the service provider's control, like — failure of external electricity supply, fibre cuts by third parties/road-owning agencies in the course of digging or civil works (in the absence of effective 'right of way' protection/regulation for such third-party damage), disasters	BSNL makes every effort to restore network within the least possible time; however, restoration is dependent on external agencies/state authorities, electricity supply, and third-party actions (e.g., fibre cuts during digging) where no effective regulatory deterrent presently exists. In situations such as fire, flood, cloudburst or lightning, restoration is additionally contingent on prior restoration of electricity supply or road/access infrastructure by other agencies. The electricity department, PWD/roads

	Outage – Access (Wireless)]	such as fire, flood, cloudburst or lightning, and multiple simultaneous faults. Further, since a mobile subscriber is not static, the 10%-of-LSA subscriber threshold does not accurately reflect actual consumer impact, as an affected subscriber may avail service from an adjoining cell/area during the outage window. BSNL requests that the SNO definition and consequent rebate/reporting obligation expressly exclude periods of non-restoration attributable to force majeure, power failure, or third-party damage to infrastructure (e.g., fibre cuts during external digging) beyond the service provider's reasonable control,	department, or civic bodies – who bear no corresponding penal consequence for their part of the delay; a TSP cannot restore service within the stipulated window if power or road access has not itself first been restored by these other authorities. Attributing such externally-caused delays wholly to the service provider, and triggering both mandatory reporting and subscriber rebate on that basis, is not equitable.
4	Para 6(b) / Regulation 9(1)(xi) [Significant Network Outage – Broadband (Wireline)]	The benchmark for 'percentage of significant network outage reported to the Authority within 24 hours of start of outage' is proposed at 100% (quarterly). BSNL requests that this benchmark be revised from 100% to 90%.	Achieving 100% reporting of every SNO event to the Authority within 24 hours of the start of the outage may be operationally difficult to sustain, particularly in the initial period of implementation of the revised outage-detection and reporting mechanisms. During this initial period, TSP remains focussed on restoration of services rather than reporting to TRAI. Such outages predominantly result from disasters and force majeure events (fire, flood, cloudburst, lightning, etc.) beyond the control of the TSP itself, where restoration is additionally contingent on other agencies (electricity, roads/PWD, civic bodies) restoring power/access first — agencies which face no corresponding penal consequence for their part of the delay.
		The proposed benchmark requires that for 100% of tariff offerings, the 80th percentile measured download/upload speed be ≥ the declared typical speed. BSNL submits that in a wireless network, download/upload speed experienced by an individual subscriber depends substantially on factors that a service provider cannot control, like- signal strength and clutter/environment at the customer's location, distance from and height relative to the cell, the subscriber's handset/device capability and technology support,	A tariff can only offer the maximum speed the network is capable of

5	Para 4(a)(xiv) / Regulation 6(1) (xiv) [Speed benchmark – Access (Wireless)]	and prevailing weather conditions. A service provider can only manage network capacity and technology deployed; it cannot assure a minimum guaranteed download/upload speed at every individual customer premises. BSNL requests that the parameter be reframed to assess network capability under best supportive conditions (i.e., the maximum speed the network is capable of delivering), rather than as a guaranteed, zero-tolerance, per-offering outcome; in the alternative, and without prejudice to this submission, a reasonable compliance tolerance across tariff offerings (rather than a strict 100%) may be considered.	delivering under best-case conditions; actual realised speed at the customer end is substantially governed by client-side and environmental factors outside the service provider's control, and cannot be reduced to a guaranteed per-customer outcome.
6	Para 6(a) / Regulation 9(1) (iv) [Speed benchmark – Broadband (Wireline)]	The benchmark for tariff offerings in which the 90th percentile measured download/upload speed is ≥ offered typical speed is proposed at 100%. BSNL requests that this benchmark be revised from 100% to 95%.	It is possible that the number of customers achieving speed exactly as per the offered speed may be marginally lower for higher-bandwidth plans owing to factors/issues at the customer end, making a strict 100% benchmark difficult to sustain even with a well-performing network.
7	Para 4(b) & 4(d) / Regulation 6(1) (xv) and 6(3) [PRB utilisation & Network Slicing]	The new parameter on cells having daily PRB utilisation >80% in a 5G network (benchmark ≤1%, monthly) and the associated requirement for advance intimation of new 5G network-slice parameters presuppose an operational 5G-SA/slicing-capable network. As BSNL does not, at present, operate a 5G network, these provisions are not applicable to BSNL at this stage and BSNL is not in a position to offer substantive comments on their feasibility, measurement methodology or benchmark reasonableness.	Since BSNL does not currently have a 5G network, comments on the reasonableness of these 5G-specific benchmarks cannot be furnished at present;
		A new QoS parameter 'Silence Call Rate' (benchmark ≤1%, monthly) is proposed. This being an entirely new parameter, its measurability and feasibility on BSNL's deployed network elements is dependent on confirmation from BSNL's existing legacy network-equipment	

8	Para 5 / Regulation 7(1)(vii) [Silence Call Rate]	vendors, which is presently awaited. Also, the 4G indigenous equipment vendor (TCS), deployed under the Government of India's 'Make in India – Atmanirbhar Bharat' initiative, will need to confirm feasibility and development timelines for this parameter. BSNL requests that the benchmark not be made mandatory/enforceable until vendor feasibility inputs — from both legacy and indigenous equipment vendors — are examined, and that a reasonable transition period be provided thereafter for network-side implementation for TSPs mandated by Government to deploy Make-in-India equipment.	Comments on the feasibility of measuring and complying with this new parameter are contingent upon inputs awaited from BSNL's network-equipment vendors, including its indigenous 4G vendor deployed pursuant to the Government's Make-in-India mandate; committing to a firm benchmark ahead of such technical confirmation would be premature.
9	Para 8 / Regulation 15(1)(e) [Quality of Experience Score]	BSNL requests that the detailed methodology, data sources and relative weightage proposed for the Quality of Experience Score (QoES) be placed in public consultation separately before any QoES ranking is published. The things like network performance, customer service, and customer satisfaction—to be adjusted fairly. The methodology must incorporate appropriate account for how many rural or remote areas a company serves and whether they are still using older technology footprints, ensuring a level playing field for all telecom providers.	A composite, subjectively-weighted score published for public/press consumption, without prior consultation on methodology and without normalisation for circle-mix and legacy-network share, can materially affect subscriber perception and TSP revenue before the fairness of the underlying methodology has been tested and validated by stakeholders.
		The benchmark for resolution of billing/charging complaints is proposed to be tightened from within four weeks to within one week (100%). BSNL requests that the existing four-week period be retained; or alternatively a reasonable tolerance/exclusion be provided for cases involving system-level verification, customer-side dependency, third-party data reconciliation, or force majeure. BSNL has experienced that resolution of such complaints involves manual activities in coordination across billing, finance and customer-service functions which makes this rigid one-week,	Reducing the resolution period by three

10	Para 7 / Regulation 10(1)(ii) [Billing/charging complaint resolution]	zero-tolerance benchmark impractical to achieve. BSNL further submits that the Authority's reason for making this change does not reflect BSNL's ground reality. The Authority believes **one-week deadline** is justified because subscriber records are now digital, payments are made online, and billing systems are centralised. *(Explanatory Memorandum, para 2.17(ii)(a))* However, this logic does not reflect how things actually work on the ground for BSNL. BSNL's metering and billing systems are not centralised; practically billing related activities remain spread across SDCA-level units. Moreover, the billing/charging complaints are of a materially different nature. They demand more investigation-intensive nature than general service complaints (e.g., faulty numbers, tariff-plan queries etc), often requiring field/SDCA-level verification. BSNL requests that the Authority review this factual premise specifically in respect of BSNL that the existing four-week timeline not be amended. The Authority may carefully look into the past representations made by BSNL in this matter.	weeks (75% reduction) is operationally difficult, particularly for complex disputed-billing cases requiring physical/field verification, inter-departmental coordination, or third-party data. A rigid 100% compliance within a compressed one-week window leaves no flexibility for exceptional cases or circumstances beyond BSNL's control. On past occasions, BSNL has made representations to the Authority, supported by evidence, showing that a particular billing-complaint shortfall was not attributable to any fault of BSNL; BSNL requests that such representations be examined on their specific facts before a financial disincentive is confirmed, rather than the provision being applied uniformly without regard to case-specific evidence submitted by the TSP.
11	Para 6(b) / Regulation 10(1) [Deletion of aggregation proviso]	No specific comments. BSNL is already submitting Performance Monitoring Reports (PMRs) separately for access service (wireline) and broadband (wireline) service, in line with TRAI's clarification letter dated 20th March 2025, from the quarter ending March 2025 onwards. The proposed deletion of the aggregation proviso only formalises this already-implemented clarification.	The proposed amendment incorporates, in the Regulations, the clarification already issued vide TRAI letter dated 20th March 2025, with which BSNL is already compliant.
12	Para 9 / Regulation 16(1) [Benchmark failure – wording]	No specific comments. The words 'per compliance report' are proposed to be added after 'one lakh per benchmark' to remove ambiguity and clarify the provision. This is a clarificatory amendment.	The amendment merely clarifies an existing provision.

13	Para 10 / Regulation 16A(1) [False reporting – scope]	Regulation 16A is proposed to treat any mismatch between self-reported PMR performance and TRAI's independently calculated performance (beyond the prescribed tolerance) as 'false reporting', attracting financial disincentive. BSNL submits that the financial disincentive under this provision should apply only where deliberate or material misreporting is established after due verification — not merely on account of a numerical mismatch, which may equally arise from data/system-reconciliation differences rather than any intent to misreport.	Substantial financial exposure would arise even in cases where the discrepancy is attributable to data/system issues rather than deliberate misreporting; a financial disincentive of this nature should be reserved for cases where deliberate/material misreporting is affirmatively established, and not applied merely on the basis of a mismatch.
14	Para 10 / Regulation 16A – Explanation [1% mismatch criterion]	The Explanation to Regulation 16A treats a mismatch exceeding 1% of the prescribed benchmark (between reported and TRAI-calculated performance) as false reporting. BSNL submits that PMR performance is presently calculated through substantially manual processing of raw data submitted under Set-2 formats; despite due diligence, inadvertent human/computational errors in deriving performance parameters from raw data cannot be entirely ruled out. BSNL requests that i. the 1% tolerance be suitably enhanced to reasonably account for manual-processing variance, ii. the tolerance/mismatch provision apply only where the TRAI-calculated ('true') performance itself remains at or above the prescribed benchmark — i.e., no financial disincentive where the underlying network performance is in any event	BSNL makes all possible efforts to ensure accuracy in preparation and submission of PMR data; however, since PMR calculation involves manual processing of raw data, inadvertent errors may occur despite due diligence. At this juncture, with BSNL's resources already stretched, automation of these processes to eliminate such errors would itself impose a heavier operational and financial burden. Equating an inadvertent mismatch with 'false reporting' without a mala fide-intent requirement, and without regard to whether the underlying performance genuinely met the benchmark, is not equitable.

		compliant despite the reporting mismatch; and iii. financial disincentive be imposed only after the Authority affirmatively establishes mala fide intent, and not on the strength of the mismatch alone.	
15	Para 24 / Regulation 16B [Consequences for other non-compliance]	Regulation 16B proposes a general financial disincentive (₹5 lakh per instance; ₹8 lakh for the second consecutive instance; ₹10 lakh thereafter) for non-compliance with any provision of the Regulations other than Regulation 7(1), without specifying or delimiting the nature/category of non-compliance covered. BSNL submits that this provision, in its present form, is wholly ambiguous and risks encompassing even minor, procedural, technical or inadvertent instances of non-compliance, exposing service providers to disproportionate financial liability and to disputes over interpretation of what constitutes an **'instance'** of non-compliance. BSNL recommends that Regulation 16B, as presently drafted, not be incorporated into the Regulations; in the alternative, it should be substantially narrowed to identify specific, material categories of non-compliance, exclude minor/procedural/technical lapses, and provide for a prior-notice-and-cure mechanism before any financial disincentive is imposed.	In view of its arbitrary and potentially prejudicial scope of application — covering, without limitation, any provision of the Regulations — the provision should not be incorporated in the Regulations in its current form.
		The existing overall ceiling of ₹10 lakh on the financial disincentive for delayed submission of compliance reports (₹5,000/report/day) is proposed to be deleted, and a new provision is added imposing financial disincentive of up to ₹10 lakh per report where the report is not	

16	Para 25 / Regulation 17(1) [Non-submission of compliance report]	submitted within three months of the due date. BSNL requests that i. an overall reasonable cap be retained on the cumulative financial disincentive leviable under this provision, ii. prior notice and a reasonable opportunity for rectification be provided before any order for payment is passed, and iii. express exclusions be incorporated for delay attributable to system failure or force majeure beyond the service provider's control.	Removal of the existing ₹10 lakh overall cap, combined with a new per-report liability of up to ₹10 lakh for delay beyond three months, could result in disincentive being levied despite circumstances genuinely beyond BSNL's control; a prior-notice-and-cure mechanism with force-majeure/system-failure exclusions would make the provision more equitable.
17	Para 27 / Regulation 18(1) [Interest on financial disincentive]	The requirement to pay interest (2% above SBI's one-year MCLR, compounded annually) on delayed payment of financial disincentive, presently applicable to Regulations 16 and 17, is proposed to be extended to also cover Regulations 16A and 16B. BSNL requests that this be reconsidered.	The imposition of financial disincentives and compounding interest thereon, however justified from a regulatory-compliance perspective, directly impacts the availability of resources for critical national projects being executed by BSNL, including its indigenous 4G network rollout (over 1,00,000 sites), BharatNet rural broadband implementation, PMWANI and SAS projects.
18	General – Regulations 16, 16A, 16B and 17 [Cumulative financial exposure]	Taken together, the proposed Regulations 16 (benchmark failure), 16A (false reporting), 16B (other non-compliance) and 17 (report non-submission) create multiple, overlapping heads of financial disincentive that can apply cumulatively to the same or related underlying deficiency. BSNL requests that the Authority incorporate a safeguard against multiple/cascading financial disincentives being levied for the same underlying deficiency. Also, a reasonable aggregate cap on cumulative financial disincentive leviable on a service provider within a given assessment period.	Given BSNL's large network and nationwide service-delivery footprint, the absence of a safeguard against cumulative/cascading liability across four distinct provisions, combined with the removal of existing caps, creates substantial and potentially disproportionate aggregate financial exposure.

BSNL reiterates its support for the Authority's objective of strengthening QoS standards for the benefit of consumers, and requests that the above submissions be duly considered before finalisation of the amendment, so as to balance consumer protection with the sustainability of BSNL's public-service obligations and its ongoing national connectivity initiatives.

N Bhalla

(Nishi Bhalla)
AGM (Regulation)