

TELECOM REGULATORY AUTHORITY OF INDIA
Mahanagar Doorsanchar Bhawan, Jawaharlal Nehru Marg
(Old Minto Road), Delhi 110 002

New Delhi, the 25th May, 2017.

DIRECTION

Subject: Direction under section 13, read with section 11(2) and 12(4) of the Telecom Regulatory Authority of India Act, 1997 to all Access Service Providers regarding filing of tariff offers.

F. No. 301-33/2016-F&EA- Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority], established under subsection (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the TRAI Act, 1997) has been entrusted with discharge of certain functions, which *inter alia* includes duty to notify in the Official Gazette the rates at which the telecommunication services within India and outside India shall be provided under the TRAI Act, 1997 including the rates at which messages shall be transmitted to any country outside India: Provided that the Authority may notify different rates for different persons or class of persons for similar telecommunication services and where different rates are fixed as aforesaid the Authority shall record the reasons therefor;

2. And whereas clause 10 of the Telecommunication Tariff Order, 1999 provides that no service provider shall, in any manner, discriminate between subscribers of the same class and such classification of subscribers shall not be arbitrary. Provided that different tariffs in the nature of Vertical Price Squeeze shall be a case of discriminatory tariff;

3. And whereas the Authority while adopting the forbearance regime in tariff, has made it mandatory for all the service providers to file their tariffs with TRAI within seven working days from the date of implementation of the said tariff;

4. And whereas the transparency in tariff offers to the consumers and observance of principles of non-discriminatory is required to protect interests of consumers and to facilitate orderly growth of telecom services in India;

5. And whereas no exception/exemption has been granted for tariff reporting except for bulk customers and in that case too it is compulsory for all service providers to provide details about the number of plans and the



bulk customers availing them along with a certification, for information and record of the Authority;

6. And whereas the Authority is in receipt of complaints that some service providers are launching tariffs without filing it with Authority and offering discriminatory tariff to individual customers within the same class;

7. Now, therefore, the Authority, in exercise of powers conferred upon it under section 13 read with section 11(2) and 12(4) of TRAI Act, 1997 and the provisions of the Telecommunication Tariff Order, 1999 and in order to protect the interests of the consumers and for the reasons mentioned in the preceding paragraphs, hereby directs all the Access Service Providers:-

to ensure that all the tariffs offered to the consumers shall be in accordance with the provisions of Telecommunication Tariff Order, 1999 and shall not be discriminatory between the subscribers of the same class and to ensure that every tariff that is offered to a customer is invariably reported to the Authority as per reporting framework under the forbearance regime unless an express exemption has been provided in the Telecommunication Tariff Order, 1999 (as amended from time to time).


(Kaushal Kishore)
Advisor (F&EA)

To

All Telecom Access Providers