

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

UNSTARRED QUESTION NO:2202

ANSWERED ON:07.12.2011

DUAL TECHNOLOGY UNDER UAS LICENCE

Das Shri Khagen;Nimmala Shri Kristappa;Singh Shri Sushil Kumar

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether permission for dual technology under UAS licence was granted by a judgment from the Hon'ble High Court and Telecom Disputes Settlement & Appellate Tribunal (TDSAT);
- (b) if so, the details thereof;
- (c) whether DoT has brought the said judgment to the notice of CAG;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) the action taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA)

(a)to(e) Based on recommendations dated 28.08.2007 of Telecom Regulatory Authority of India (TRAI) on 'review of license terms & conditions and capping of number of access providers' and decision of Government thereupon permissions for grant of dual technology licences were issued which were challenged by Cellular Operators Association of India (COAI) & others before Hon'ble Telecom Disputes Settlement & Appellate Tribunal (TDSAT) In petition No. 286 of 2007. Non-grant of stay by Hon'ble TDSAT in the matter was challenged by COAI before Hon'ble High Court of Delhi in Writ Petition (C) No. 9654 of 2007. Hon'ble High Court of Delhi, in its judgement dated 22.08.2008 and the Hon'ble TDSAT, in its judgement dated 31.03.2009 upheld the decision of the Government in the matter which were brought to the notice of Offices under the Comptroller and Auditor General (CAG) vide following communications:

- (i) Do letter dated 24.07.2009 and dated 15.04.2010 in response to Audit Inspection memos dated 13.07.2009 and 21.03.2010 respectively.
- (ii) Do letter dated 27.07.2010 In response to CAG's draft Performance Audit Report dated 15.07.2010 on 'the issue of License and Allocation of 2G Spectrum by the Department of Telecommunications'.
- (iii) Do letter dated 18.04.2011 in response to CAG's Performance Audit Report NO. 19 of 2011 on 'the issue of License and Allocation of 2G Spectrum by the Department of Telecommunications'.