

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

UNSTARRED QUESTION NO:4025

ANSWERED ON:17.12.2014

INTERCONNECT USAGE CHARGES

Jena Shri Rabindra Kumar;Ramachandran Shri Krishnan Narayanasamy

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

- (a) whether the Hon'ble Supreme Court has given direction on the matter of inter- connect usage charges;
- (b) if so, the details of direction thereof and the action taken by the Government thereon;
- (c) whether the Government has introduced "Bill and Keep" regime and if so, the details and present status of implementation of the regime;
- (d) whether some telecom operators have not paid interconnect usage charges and mobile termination charges to other operators including BSNL for completing its calls on their networks; and
- (e) if so, the details thereof along with the outstanding of each of the telecom operators against others, operator-wise and the action taken by the Department of Telecom and Telecom Regulatory Authority of India in this regard?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a) & (b) The regulations and necessary amendments on Interconnect Usage Charge (IUC) have been issued by Telecom Regulatory Authority of India (TRAI) from time to time. The last amendment to the IUC Regulation was issued by TRAI on 09.03.2009. These amendments became effective from 01.04.2009. Some Service Providers challenged the IUC regulations dated 09.03.2009 before the TDSAT (Telecom Disputes Settlement & Appellate Tribunal) on various grounds. Hon'ble TDSAT passed its judgment on 29.09.2010 and directed TRAI to consider the matter afresh and remanded the matter to TRAI with the direction to complete the consultation process in a time bound manner. Against the above order of Hon'ble TDSAT, TRAI had filed the Appeal to the Hon'ble Supreme Court vide Appeal No. 271-281 of 2011. Hon'ble Supreme Court passed an order on 29.07.2011 and directed TRAI to give a computation of the IUC to be worked out on both the basis, namely, if Capital Expenditure (CAPEX) is taken into account and without CAPEX. TRAI completed this exercise and filed a report in Hon'ble Supreme court on 29.10.2011.

Subsequently, Hon'ble Supreme Court passed the following order on 06.12.2013 in Civil Appeal No. 5253 of 2010 and other connected matters:

"In exercise of the power vested in it under Section 14(b) of the Act, TDSAT does not have the jurisdiction to entertain the challenge to the regulations framed by the Authority under Section 36 of the Act".

Hon'ble Supreme Court has not passed any direction in the matter thereafter.

(c) At present "Bill and Keep" regime has not been introduced.

(d) & (e) IUC settlement between operators is a routine and recurring exercise happening periodically. However, the details of the outstanding amount of IUC of each of the telecom operators against others are being collected by the Department and will be laid on the Table of the House.