

## **TDSAT says it has power to hear telcos plea against DoT over 3G roaming pacts**

**The tribunal however however, directed the service operators to handover the roaming agreements copies to DoT**

The Telecom Dispute Settlement and Appellate Tribunal (TDSAT) who is hearing 3G roaming pacts issue between the private telcos and the Department of Telecommunications (DoT) has ruled that it has jurisdiction to hear the telcos' appeal against the latter' order to ban the pacts.

The tribunal thus gave relief to the telcos against the order till February 2 when the next hearing comes up. A bench of Judges S.B. Sinha and P.K. Rastogi, however, directed the service operators to handover the roaming agreements copies to DoT.

The tribunal TDSAT on Tuesday had reserved its ruling on former's plea challenging sectoral tribunal's jurisdiction to hear petitions on the issue.

The major telcos like Bharti, Vodafone, Idea, Tatas and Aircel had moved TDSAT on DoT's order to scrap the 3G roaming pacts between the private operators. The government in December last year had called these pacts illegal. The telcos in sharp reaction called the government's move as arbitrary and illogical.

But as demanded by DoT, the tribunal felt that copies of agreements on 3G roaming to the DoT should be given to the government with telcos insisting that in such a case the government would have to maintain the confidentiality of these pacts. Earlier they had refused to share the copies of agreements with DoT.

The telcos also got a breather with asking the DoT not to take any coercive action against them till the further order. "Till further order, interim order of December 24 to continue," it said.

Challenging the TDSAT's jurisdiction additional Solicitor General A S Chandio, representing DoT, said that the operators must be a licence holder for 3G and if they do not have, then they fall out of your jurisdiction. They are asking for determination of contractual right, which is beyond jurisdiction.

"They must be a licence holder for 3G and if they do not have, then they fall out of your jurisdiction. They are asking for determination of contractual right, which is beyond jurisdiction," he said .

DoT said that a licensee (operator) cannot challenge the licence terms. But the counsel of one of the operators said that Section 14 of the TRAI Act gives the tribunal power to adjudicate on such dispute.

Bharti Airtel, Vodafone and Idea Cellular had got breather on January 3 after Telecom Disputes Settlement and Appellate Tribunal TDSAT) has deferred the hearing on their plea against govt decision to scrap 3G roaming till January 9.