

DoT may ask Bharti, Vodafone, Idea to stop 3G roaming service

With the Law Ministry recommending action, DoT is likely to direct the three incumbent operators to stop offering 3G services in those circles where they don't have airwaves

Bharti, Vodafone and Idea, the three biggest mobile telecom service providers in India are for major trouble as the additional solicitor general has recommended that the department of telecommunications (DoT) can initiate action against them for violation of licence conditions in the illegal 3G roaming service case.

Earlier, TDSAT had given a split judgement on this issue following which the DoT sought advice of the law ministry.

Now that the Law ministry has recommended the action DoT is likely to direct the three incumbent operators to stop offering 3G services in those circles where they don't have airwaves,

"The first step should be to stop the services being illegally provided otherwise 'unjust enrichment' will continue," the DoT internal note added.

The three operators had challenged government's directive to stop offering 3G services beyond their licensed zones through mutual roaming pacts.

"It is noted that the honourable TDSAT judgement is split in the ratio of 1:1. Chairman, TDSAT, has concluded that DoT has not followed the principles of natural justice and, therefore, due opportunity of hearing be provided to the petitioners," said an internal DoT note.

These telcos had said that the verdict enabled them to continue offering high-end data services even in areas where they did not have 3G permits.

DoT has sought clarifications from the additional solicitor general (ASG) A.S. Chandiok, who was the conducting counsel on the matter in the Telecom Disputes Settlement and Appellate Tribunal (TDSAT).

Last month the two member bench comprising TDSAT chairman Justice S.B. Sinha and member P.K. Rastogi on Tuesday held different views in the case.

Justice Sinha allowed the telecom operators' plea against the government's directive to stop intra circle 3G roaming saying that it was violative of natural justice. Rastogi, however, dismissed telecom operators plea saying they cannot provide roaming.

The chairman was of view that the DoT had not followed the proper procedure and the operators were not given proper time to put their views.

According to Justice Sinha it was a violation of natural justice. Setting aside the DoT's order to operators to stop ICR roaming, he asked DoT to start the procedure afresh by giving proper time to operators to respond.

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