

## **Telecom ministry to stop illegal 3G services by Airtel, Vodafone, Idea**

**(DoT) had sought fresh legal opinion from Additional Solicitor General (ASG) A S Chandhiok whether it can stop these telcos from offering 3G services beyond their licensed zones through mutual roaming pacts**

Armed with a favourable opinion from the law ministry, the department of telecommunications (DoT) is set to send notices to the telecom service providers, Bharti Airtel, Vodafone and Idea Cellular asking them to stop providing 3G services in those circles (service areas) where they do not have licences.

These companies are providing 3G services in those areas where they do not have licences under the so called “3G roaming agreements”.

“We will soon send them notices to stop their illegal services,” said a DoT official.

The Additional Solicitor General AS Chandhiok in response to the department of communication (DoT) is believed to have said that the TDSAT’s split verdict on the 3G roaming pacts involving Airtel, Idea and Vodafone cannot be implemented as it does not constitute a judgement in law.

Earlier this week the Department of Telecommunications (DoT) had sought fresh legal opinion from law ministry whether it can stop these telcos from offering 3G services beyond their licensed zones through mutual roaming pacts.

DoT also sought clarity on whether it can levy penalty on the telcos for violating licence conditions by offering 3G services. These operators have the permission to offer only 2G services.

Last month the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) had given a split verdict in the 3G intra circle roaming case in which the operators had challenged government’s directive to stop offering 3G services beyond their licensed zones through mutual roaming pacts.

The decision was significant for Bharti Airtel, Vodafone's Indian unit and Idea Cellular which offered 3G services in most parts of the country because of the pacts.

The two member bench comprising TDSAT chairman Justice S.B. Sinha and member P.K. Rastogi had held different views in the case.

Justice Sinha had 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.

In December last year, the government had come in for sharp criticism by leading telcos, Bharti Airtel, Idea Cellular and Vodafone-for nullifying 3G roaming pacts. The Department

of Telecommunications (DoT) has issued a notice to these telcos declaring the 3G roaming pacts as illegal.

Bharti Airtel had said that it was demoralising to note that the DoT took the decision without following any principle of natural justice as no opportunity of hearing has been provided to us before arriving at this decision. It is demoralising to note that the DoT's decision has been arrived at without following any principle of natural justice as no opportunity of hearing has been provided to us before arriving at this decision.

While Bharti Airtel had called the move as 'arbitrary', Vodafone termed it 'unreasonable' and 'irrational' saying it would affect the millions of its customers.

The department of telecommunication (DoT) has said that the 3G roaming pacts between telecom operators are illegal. It also said that soon the telcos will be informed about the decision. The decision was made public by DoT secretary ChandraShekhar on a television news channel.

The immediate fall out of this decision is that the operators will now have to alter their plans to roll out 3G services causing inconvenience to the subscribers.

The 3G pact has caused a debate between the service providers and the government with later saying that this would cause loss to the exchequer. Bharti Airtel, Vodafone Essar and Idea Cellular had formed a pact for providing 3G roaming services on a pan-India basis.

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