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No 24-1/2016/LFP-I
Government of India
Ministry of Communications & IT
Department of Telecommunications
(LF-Policy wing)
Sanchar Bhawan, New Delhi-110001

pd/b 20/6/2017 13/c

Dated: 27.05.2016

To

All Pr./CsCA

Sub: Clarification regarding encashment of Performance Bank Guarantee (PBG) for the violation of license agreement.

It is intimated that, it is the responsibility of concerned CsCA office to monitor the due performance of the Financial Clauses of the License Agreements. PBG is the part and parcel of the Financial Clauses of the License Agreement.

2. It is, therefore, clarified with the approval of competent authority that:
- In case of the violation of the financial clauses of the license agreement such as non-payment of the due license fee, non-submission of necessary documents etc. the CsCA shall first encash the FBG, and thereafter the PBG would be encashed suo motu. In this kind of situations, there may be no requirement for seeking permission from the DoT headquarters.
 - In cases of non-renewal of the PBG as well the FBG, the licensor i.e. CsCA shall themselves initiate the process of encashment of the BGs.
 - Further, in cases of TERM/DoT's requests for recovery of any amount from the licensee company and the licensee company fails to pay the due amount, the CsCA may themselves encash the PBG as well the FBG.
 - Moreover, in cases of continued operation of the licenses by the licensee without proper alive Bank Guarantees, the CsCA should inform DoT immediately for cancellation of the license along with its recommendations.

Pradyumn Chandra
27/5/16
Director (LFP-I)

Copy to:-

- Sr. DDG (TERM)/DDG (AS)/DDG (CS)/DDG (DS)/DDG (Security)/DDG (WPF)/DDG (LFA), DoT (HQ).
- Director (IT), DoT (HQ) for uploading on website.

16/c

No 24-1/2016/LFP-I
Government of India
Ministry of Communications & IT
Department of Telecommunications
(LF-Policy wing)
Sanchar Bhawan, New Delhi-110001

Dated: 01.06.2016

To

-All Pr./CsCA

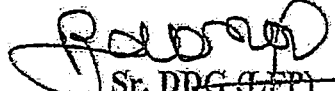
Sub: Clarification on issues relating to AGR and Bank Guarantees of Telecom licenses.

Of late this office has received numerous correspondences from Pr./CsCA offices seeking clarifications on various issues related to AGR and Bank Guarantees of telecom licenses. The matter has been examined and following clarifications/instructions are being issued:

1. **Whether Misc. revenue/reversal of expenses/excess provision to be included in the AGR:** As per the license agreement, misc. revenue should form part of the AGR but reversal of expenses and excess provision should not be included in AGR.
2. **Bad debts recovered:** It has been the consistent stand of the department that bad debts recovered should not form the part of AGR.
3. **Whether income from interest to be included in AGR:** Income from interest would be included in AGR.
4. **Whether revenue from non-telecom activities is to be considered for AGR calculation:** As per license agreements, the revenue from non-telecom activities would form part of the AGR.
5. **Non submission of documents by the licensee:** Appropriate actions may be taken by the Pr.CsCA/CsCA as per a license agreement which includes the encashment of FBG/PBG for non-fulfilment of license conditions and damage caused to the licensor.
6. **No response on the correspondence made by the Pr.CsCA with the licensee:** Appropriate actions may be taken by the Pr.CsCA/CsCA as per a license agreement which includes the encashment of FBG/PBG for non-fulfilment of license conditions and damage caused to the licensor.
7. **Whether CCAs to receive quarterly AGR/LF/Annual documents and assess the LF even after encashment of FBG:** The CsCA may receive quarterly AGR/LF/Annual documents and assess the LF till the effective date for surrender/termination of the license agreement.
8. **Disposal of representations made by Licensee:** The representations should be heard by the CsCA offices only.
9. **Whether FBG is to be encashed if licensee fails to pay license fee against demand notice:** The Bank Guarantees may be encashed if licensee fails to pay license fee against demand notice.
10. **Review of the FBG in cases of non start of operations:** The same amount of FBG would be maintained as submitted by the licensee during signing of the license agreement.

11. **Request of licensees for waiver of Interest on delayed payments and penalty and interest on penalty:** No such waiver is allowed as per license agreement.
12. **FBG for pure ISPs:** Since, as of now, there is no AGR definition is available on the basis of which license fee demand could be ascertained, therefore the question of FBG may not arise in cases of pure ISPs.
13. **Whether PBG can be encashed if licensee fails to pay LF demand notice or fails to submit required documents etc. in case of non-availability of FBG:** Yes, the PBG may be encashed.
14. **Non submission of fresh PBG/FBG in lieu of encashed BGs:** Matter may be referred to DoT HQTR by the CsCA offices along with its recommendations.
15. **Adjustment of surplus amount in the Quarter-1 of the next financial year:** The subject matter is under consideration and the necessary clarifications will be issued very shortly.
16. **Whether ISP may claim deduction for the payment made to other service providers for leased line purchase:** The subject matter is under consideration and the necessary clarifications will be issued very shortly.
17. **Presumptive AGR:** DoT headquarter is considering the applicability of the presumptive AGR for the calculation of license fee on the auction conducted in 2014 and 2015 as per NIA 2014 and 2015. However, till the time of final decision in the matter, the license fee may be calculated by the O/o CCA on the basis of entry fee or actual AGR, whichever is higher.
18. **Applicability of Uniform license fee on the Pure ISPs:** It is a fact that the para 2 of the letter dated 29.06.2012 of the DoT on the application of uniform license fee had been struck down by the TDSAT. The decision of the TDSAT had been accepted by the department and accordingly the DoT headquarter is in the process of taking a final decision on the applicability of Uniform License fee on the Pure ISPs. However, till the time of final decision in the matter, the status quo may be maintained by the O/o CCA regarding the calculation of license fee for the pure ISPs.

It is our endeavour to empower/enrich the field offices. Therefore, it is suggested that we should make the dedicated effort to provide the necessary skills to officers through the targeted training module keeping in view the practicality of the verification/assessment as well as the requirement for proper monitoring of the financial clauses of license agreement. While there are material/human resource constraints in headquarter but we are always ready to solve the problem of the CsCA as soon as possible. Hence it is urged that your proactive approach is the need of the hour to realize the actual potential of the field offices. It is felt that there cannot be readymade answer to every query. CCAs are competent and skilled enough to interpret and understand the terms and conditions of the license agreement and clarifications. If, you all can take it in proactive and rightful manner, lot of correspondence with the Headquarter could be avoided.


Sr. DRG (LFP)

Copy to:-

1. DDG (WPF)/ DDG (LFA), DoT (HQ).
2. Director (LFP-II)/Director (LFA-I, II & III)

F.No. 24-1/2016/LFP-I
Government of India
Ministry of Communication & IT
Department of Telecommunications
(Licensing Finance Policy Wing)
Sanchar Bhawan, New Delhi-110001

Dated: 20.06.2016

To

All Pr CsCA./CsCA.

Subject: Adjustment of amount lying with DoT as a consequence of Hon'ble Court order against the outstanding dues of TSP - clarification regarding.

It is intimated that consequent upon the court order, the amount of a TSP lying with the DoT be adjusted against the outstanding dues of that TSP by following the general principle as under:

- (i) The adjustment to be done by DoT.
- (ii) The date of adjustment should be the date of judgment. However, the same should be mentioned in the sanction order.
- (iii) The adjustment should be done against the clear dues of DoT i.e. not stayed by any court.
- (iv) The oldest pending due should be adjusted first.

[Signature]
Director (LFP-I)

Copy to: -

1. Sr. DDG (TERM)/Sr. DDG (AS-I)/DDG (CS)/DDG (DS)/DDG (Security)/DDG (WPF)/DDG (LFA) DoT (HQ)
2. Director (LFP-II)/Director (LFA - I, II & III)

No 1-12/2016/LFP-I
Government of India
Ministry of Communications & IT
Department of Telecommunications
(LF-Policy wing)
Sanchar Bhawan, New Delhi-110001

Dated: 30.06.2016

To

All Pr CsCA./CsCA

Sub: Release of Bank Guarantee in case of migration/renewal of old ISP license under UL -
regarding.

Internet Service Providers Association of India and Licensee companies are consistently representing to DoT for the release of the old Bank Guarantees of the ISP licensee companies' consequent upon migration/renewal of their old ISP licenses under Unified License (UL).

2. DoT has deliberated the issue of release of BGs with respect to the relevant conditions of the license agreement which includes the set-off clause, clause related to surrender/termination of license, Performance Bank Guarantee clause and other Financial conditions of the license agreement. It is also noted that the licensee company has also submitted an undertaking during signing of the Unified License which takes care of the dues related to the past period till the signing of the license agreement. Further, the set-off clause also stipulates that any amount recoverable from the licensee under any contract between the licensor and licensee may be adjusted or deducted against any amount due to the licensee which includes the security/Bank Guarantee of any other contract/license agreement also.

3. After due consideration and deliberation on the issue keeping in view all the extant orders/guidelines/license agreement, it has been decided that the Bank Guarantees of licensees who have migrated/renewed their old ISP licenses under the Unified License (UL) may be released/refunded since the licensees have already submitted an undertaking alongwith the signing of the Unified License.

This issues with the approval of competent authority.

Pradip
2016
Director (LFP-I)

Copy to:-

1. PPS to Secretary (Telecom).
2. PPS to Member (F), Telecom Commission.
3. PPS to Member (T), Telecom Commission.
4. All Sr DDsG/DDsG of DoT HQ.
5. Director (LFP-II), DoT (HQ)
6. Internet Service Providers Association of India (ISPAI), 612-A, Chiranjiv Tower, 43, Nehru Place, New Delhi-110019.

7. N.I.C. DoT for uploading on the EoT website.

34/c

File No. 24-1/2016-LFP-I
Government of India
Ministry of Communications
Department of Telecommunications
(LF-Policy wing)
20 Ashoka Road, Sanchar Bhawan
New Delhi-110001

Dated: 11.07.2016

To

All Pr.CsCA/CsCA

Subject: Set-off/adjustment of due amount against the outstanding dues of the licensee-regarding.

1. The set off clause of telecom license agreement makes the provisions as under:

"In the event any sum of money or claim becomes recoverable from or payable by Licensee to the Licensor either against this License Agreement or otherwise in any manner, such money or claim can be (without restricting any right of set off for counter claim given or employed by law) deducted or adjusted against any amount or sum of money then due or which at any time thereafter may become due to the Licensee under this License Agreement or any other agreement or contract between the Licensor and the Licensee.

The aforesaid sum of money payable to the Licensee Company shall include any security/ bank guarantee which can be converted into money.

After exercising the right of set off, the Licensor shall inform the Licensee of the action taken."

2. Further many clarifications have been sought by the Pr.CsCA/CsCA offices as well as by the TSPs on the issue of adjustments.

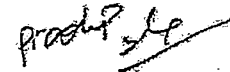
3. In consideration of all the above, the following clarifications are issued:

- (i) Adjustment from the quarterly as well as annually due amount may be allowed by the Pr.CsCA/CsCA offices.
- (ii) Pr.CsCA/CsCA offices are authorized for intra-license as well as inter-license adjustments.
- (iii) Set-off or adjustments among CsCA are also permitted under intimation to DoT.
- (iv) Inter-financial year adjustment may also be allowed.
- (v) While effecting adjustment, the guidance issued vide letter no. 24-1/2016/LFP-I dated 20.06.2016 may be taken into consideration.

Contd...pg./2.

- (vi) No interest is payable by the Government.
- (vii) The details of the modalities of the adjustment and reconciliation may be devised by concerned Pr.CsCA/CsCA. However, in case of any further doubt, they may refer the matter to the DoT, HQ.

This issues with the approval of competent authority.



(P K Shukla)
Director (LFP-I)

Copy to:

1. DDG(LFA)/ Jt.Adman, Finance(USOF)/ DDG(WPF)/ DDG(A/C)/
DDG(TPF)/ DDG (AS-I)/ DDG (DS)/ DDG (CS)
2. Director (LFP-II)

6

37/c

F.No. 24-1/2016/LFP-I
Ministry of Communications & IT
Department of Telecommunications
(LF-Policy wing)
Sanchar Bhawan, New Delhi-110001

.....

Dated: 18.07.2016

To

All Pr.CsCA/CsCA

Sub: Clarification regarding interest on delayed LF payment for 4th Quarter of the Financial Year.

The field units are making references to DoT Headquarter office seeking clarification regarding interest to be charged on delayed Licence Fee payment for 4th quarter of the financial year.

2. In this regard the relevant clauses of the license agreement are as under:

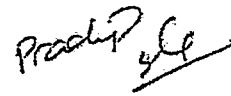
"License Fee shall be payable in four quarterly instalments during each financial year (FY). Quarterly instalment of license fee for the first three quarters of a financial year shall be paid within 15 days of the completion of the relevant quarter. The AGR based license Fee shall be paid by the Licensee on the basis of revenue on accrual basis for the quarter, duly certified with an affidavit by a representative of the Licensee who is authorized by the Board Resolution coupled with General Power of Attorney. However, for the last quarter of the financial year, the Licensee shall pay the License Fee by 25th March on the basis of expected revenue for the quarter, subject to a minimum payment equal to the revenue share paid for the previous quarter."

"The Licensee shall adjust and pay the difference between the advance payment made and actual amount duly payable for the last quarter of financial year within 15 days of the end of the quarter."

"Any delay in payment of License Fee, or any other dues payable under the License beyond the stipulated period will attract interest at a rate which will be 2% above the Prime Lending Rate (PLR) of State Bank of India existing as on the beginning of the Financial Year (namely 1st April) in respect of the license fees pertaining to the said Financial Year. The interest shall be compounded monthly and a part of the month shall be reckoned as a full month for the purposes of calculation of interest. A month shall be reckoned as an English calendar month."

3. In view of the above, it is clarified that:
- (i) In cases of the delay in advance LF payment for 4th quarter, interest shall be calculated for the month of March on the advance LF amount which has been due on 25th March.
 - (ii) In cases of the delay in final LF payment for 4th quarter, interest shall be calculated for the month of April on the actual LF amount which has been due on 15th April.
4. This is in supersession to all the previous orders.

This issues with the approval of competent authority.



(P K Shukla)
Director (LFP-I)

Copy to:

- 1. DDG (LFA)/ Jt. Admn. Finance (USOF)/DDG (WPF)/DDG (Accounts)/DDG (B&P)/DDG (AS-I)/DDG (DS)/ DDG (CS)
- 2. Director (LFP-II)
- 3. NIC, DoT for uploading on the DoT website.

Government of India
Ministry of Communications
Department of Telecommunications
{Licensing Finance Policy wing}
Ashoka Road, Sanchar Bhawan,
New Delhi-110001

No. 1-26/2016/LFP-I

Dated: 23. 08.2016

To

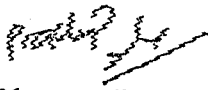
All Pr/CsCA

Subject: Review of FBGs of M/s Reliance Jio Infocomm Limited for service authorizations under Unified License – regarding.

It is intimated that the initial FBG of M/s Reliance Jio Infocomm Ltd. for service authorizations under Unified License was valid for initial one year period and, thereafter, it is subject to periodic review on six monthly basis by licensor. However, it is noted that since the quarterly AGR and License Fee is being submitted by the licensee on the basis of a specific authorizations, hence, the FBG should also be reviewed on the basis of specific authorizations.

2. Apart from the above, it is also noted that the maximum combined limit for the PBG was valid for the period of initial one year. Now, since the one period has already been lapsed, it is, therefore, clarified that the CCA offices may ask for PBG as per specific service authorizations.

This issues with the approval of competent authority.


Director (LFP-I)

Copy to: -

1. M/s Reliance Jio Infocomm Limited, 9th Floor, Maker Chambers IV, 222, Nariman Point, Mumbai-400021.
2. DDG (LFA)/DDG (AS-I)/ DDG (DS)/ DDG (CS)/ Sr DDG (TERM) HQ/DDG (WPF).
3. Director (LFP-II).
4. NIC, DoT HQ for uploading on the DoT website.
5. Guard file.

File no. 1-16/2015/LFP-I
Government of India
Ministry of Communications
Department of Telecommunications
{Licensing Finance Policy Wing}
20 Ashoka Road, Sanchar Bhawan,
New Delhi-110001

Dated: 31.08.2015

To

All Pr./CsCA

Subject: Clarification regarding payment of minimum License Fee under Unified License Agreement.

It has been reported to this office that a TSP, who has paid maximum prescribed amount of entry fee under Unified License Agreement, is making payment of the minimum license fee from the second year of the effective date of respective authorization by self-assessing the entry fee for a particular service and service area by adopting its own method of dividing the total entry fee paid by it with the total service areas (telecom circles/metros) for the purpose of calculation of minimum license fee.

2. The Unified License Agreement stipulates following provision for License Fee:


18.2 License Fee:

18.2.1 In addition to the Entry Fee, an annual License fee as a percentage of Adjusted Gross Revenue (AGR) shall be paid by the Licensee service-area wise, for each authorized service from the effective date of the respective authorization. The License fee shall be 8% of the AGR, inclusive of USO Levy which is presently 5% of AGR. Provided that from Second Year of the effective date of respective authorization, the License fee shall be subject to a minimum of 10% of the Entry Fee of the respective authorized service and service area as in Annexure-II.

3. The Unified License agreement clearly stipulates the method of calculation of minimum license fee from the second year of the effective date of respective authorization. According to UL agreement, the minimum license fee from second year shall be 10% of the Entry Fee of the respective authorized service and service area as stipulated in Annexure-II. As such, the action of the TSP in arriving at entry fee for a particular service and service area by adopting its own method of dividing the total entry fee paid by it with the total service areas for the purpose of calculation of minimum license fee is altogether irregular.

4. It is, therefore, clarified that minimum license fee from the second year of the effective date of respective authorization should be calculated based on the individual entry fee of authorized service and service area separately.

This issues with the approval of competent authority.


Director (LFP-I)

Copy to: -

1. DDG (LFA)/DDG (WPF)/DDG (Accounts)/ DDG (AS-I)
2. Director (LFP-I)
3. Guard file.

File No.24-1/2016/LFP-I
Ministry of Communications
Department of Telecommunications
(L.F-Policy wing)
20 Ashoka Road, Sanchar Bhawan,
New Delhi-110001

Dated: 14.09.2016

To

All Pr.CsCA/CsCA

Subject: Release of Performance Bank Guarantee (PBG) against the renewed/migrated licenses under Unified License/Unified License (Access Services).

The issue of release of PBG against the renewed/migrated licenses was under consideration for quite sometime in view of various representations of TSPs as well as the associations of TSPs.

2. It is a fact that the migration/renewal of licenses under unified license envisages the continuity of operations. It is also noted that the licensee company has already submitted an undertaking at the time of migration/renewal of license under Unified License/Unified License (Access Services) to pay all dues of the previous license, thereby, it is understood that the liabilities of the licensee stands transferred to the new contract/license.

3. Further, the set-off clause of the license agreement also empowers the DoT to recover any sum of money or claim becoming recoverable from or payable by Licensee to the Licensor either against this License Agreement or otherwise in any manner.

4. Considering the above and in the interest of good governance, ease of administration and ease of doing business, it has been decided that, in cases of migration/renewal of the license under unified license/ Unified License (Access Services), the Performance Bank Guarantee (PBG) of the expired/cancelled licensees who have been migrated/renewed under the unified license/ Unified License (Access Services) may be released.

This issues with the approval of the competent authority.


Director (LFP-I)

Copy to:

1. PS to Hon'ble MoS(IC), MoC Sanchar Bhavan
2. PS to Secretary (T), Sanchar Bhavan
3. PS to Member (F), Sanchar Bhavan
4. DDG (LFA)/ DDG (WPF)/ DDG (Accounts)/ DDG (AS-I)/ DDG (CS)/ DDG (DS)/ Wireless Advisor/ Sr.DDG (TERM), HQ
5. AUSPI/COAI/ACTO/ISPAI
6. All Directors of LFA/LFP/WPF wing
7. Director (IT) for uploading on the DoT website
8. Guard File.

F.No. 24-1/2016/LFP-I
Ministry of Communications
Department of Telecommunications
Sanchar Bhavan, 20 Ashoka Road, New Delhi-110001
(LF-Policy wing)

Dated: 14.09.2016

To

All Pr.CsCA/CsCA

Subject: Clarifications regarding review/revision of FBG and securitization of LF/SUC dues.

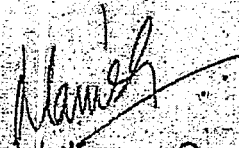
Considering the different clauses of UAS/CMTS license and Unified License and keeping in view the fact that the migration/renewal of licenses under Unified license envisages the continuity of business, the following clarifications regarding review/revision of FBG and securitization of LF/SUC dues are issued:

i. The existing Financial Bank Guarantee (FBG) submitted under the UAS/CMTS/NLD/ILD/ISP-IT License for the purpose of securitization of License Fee (LF) dues may be re-assigned/re-validated under Unified License with relevant authorizations and the same may be clubbed with the already existing initial Financial Bank Guarantee submitted under Unified License with relevant authorizations. Hence, any further revision of the FBG against License Fee under Unified License is required to consider the FBGs submitted under UASL and Unified License as one and the same. This shall be adapted to the clause 21.2, 21.3, 21.4 and 21.5 of the Unified License agreement.

ii. The existing Financial Bank Guarantee (FBG) submitted under the UAS/CMTS License for the purpose of securitization of Spectrum Usage Charges (SUC) dues may be re-assigned/re-validated under Unified License and the same may be used for the securitization of SUC dues against auctioned spectrum. This shall be adapted to the clause 21.2, 21.3, 21.4 and 21.5 of the Unified License agreement.

iii. In case of UAS/CMTS licensee having the auctioned spectrum apart from the administrative assigned spectrum, the existing Financial Bank Guarantee (FBG) submitted under UAS/CMTS License for the purpose of securitization of Spectrum Usage Charges (SUC) dues may be used for securitization of SUC dues against auctioned spectrum also. This shall be adapted to the relevant clause of UAS/CMTS license.

iv. This issues with the approval of the competent authority.


(Manish Kumar Gupta)
Director (LFP-I)
Tele. 011-23036187

Copy to:

1. PS to Hon'ble MoS(IC), MoC Sanchar Bhavan
2. PS to Secretary (T), Sanchar Bhavan
3. PS to Member (F), Sanchar Bhavan
4. DDG (LFA)/ DDG (WPF)/ DDG (Accounts)/ DDG (AS-I)/ DDG (CS)/ DDG (DS)/ Wireless Advisor/ Sr. DDG (TERM), HQ
5. AUSPI/COAI/ACTO/ISPAI
6. All Directors of LFA/LFP/WPF wing
7. Director (IT) for uploading on the DoT website
8. Guard File.

F. No. 24-1/2016-LFP-I (Pt.)
Government of India
Ministry of communications
Department of Telecommunications
(LFP-wing)
Sanchar Bhawan, New Delhi

Dated: 15.09.2016

To . .

Dy.CCA (LF),
O/o the CCA,
1st Floor, Door Sanchar Bhawan,
Hoshangabad Road,
Bhopal-462015.

Subject:- Encashment of BG for non compliance to Demand notices.

Kindly refer to your letter No. CGA/MPT/USO/INS/LF/01/2006-07/2104 dated 15/19.07.2016 on the subject cited above. In reference to DoT (HQ) letter No. 24-1/2016/LFP-I dt.01/06/2016. The para-wise reply as to your queries is as under:

Para 1) Point No. 9 of the above referred letter directs that FBG's may be encashed if licensee fails to pay license fee against demand notice. But several demand notices issued by DoT(Hq) in the recent past carries a specific injunction that "No coercive action is to taken" against the non compliant TSP.

Reply:- This is exception and to be followed till adjudication of the case & order from this office.


Para 2) In view of this injunction, this office shall consider such demand notices as exception to the general rule provided at point-9 of the above referred letter.


Reply:- This is general rule. Your understanding is correct.

This issues with the approval of the competent authority


Director (LFP-I)

Copy to:-

1. All Pr. CsCA/CsCA
2. DDG (LFA)/DDG (WPF)  15-9-16
3. Director (LFP-II)


15/9/16

12
File No. 24-1/2016/LFP-I
Ministry of Communications
Department of Telecommunications
(LF-Policy wing)
20 Ashoka Road, Sanchar Bhawan,
New Delhi-110001

Dated: 27.10.2016

To

The Controller of Communication Accounts,
Madhya Pradesh Telecom Circle,
First Floor, Door-Sanchar Bhawan,
Hoshangabad Road,
Bhopal-462015.

Subject: Submission of revised additional Financial Bank Guarantee (FBG) against license no. 20-346/2012-AS-I dated 04.03.2013 - case of M/s Videocon Telecom.

I am directed to forward herewith a copy of M/s Videocon Telecom letter no. VTL/Reg/DoT/1610/5253 dated 13.10.2016 alongwith its enclosures addressed to Sr. DDG (LFP), DoT HQ, New Delhi on the subject cited above and to convey that as the Videocon has already surrendered its UL (AS) and there is no likelihood of revenue from operation to form GR/AGR, taking the last quarter figure for the purpose of securitization is not appropriate provided the company has paid LF on the revenue from trading as said by the company in its enclosed letter.

Accordingly, rigid application of rule bereft of actual facts and situations is against the principle of just and fair interpretation of law, and hence the additional FBG etc. may not be insisted upon.

This issues with the approval of competent authority

Encls.: as above


Asstt. Chief Accounts Officer (LFP-I)

Copy to: -

M/s Videocon Telecommunications Limited, Plot No. 296, Udyog Vihar
Phase-II, Gurgaon-122016 (Haryana).

13

File No.24-1/2016/LFP-I
Ministry of Communications
Department of Telecommunications
(LF-Policy wing)
20 Ashoka Road, Sanchar Bhawan,
New Delhi-110001

Dated: 30.11.2016

To

The Controller of Communication Accounts,
Jharkhand Telecom Circle,
Jharkhand Circle,
Ranchi-835217.

Subject: Submission of revised additional Financial Bank Guarantee (FBG) on account of one-time revenue in respect of trading of 2300 Mhz in Bihar LSA – case of M/s Dishnet Wireless Limited.

I am directed to forward herewith a copy of M/s Dishnet Wireless Limited letter no. DWL/DoT/2016/85 dated 24.11.2016 alongwith its enclosures addressed to Sr. DDG (LFP), DoT HQ, New Delhi on the subject cited above and to convey that there need not be any securitisation for one-time revenue on account of trading of BWA spectrum as per trading guidelines once the LF on this amount is paid. The rigid application of rule bereft of actual facts and situations is against the principle of just and fair interpretation of law, and hence the additional FBG may not be insisted upon. Your case mark JKDC-7/CCA-LF/Reports/Dishnet/LF/2016-17/917 & 991 dated 24.10.2016 & 10.11.2016 is referred.

This issues with the approval of competent authority.

Encls.: as above


Asstt. Chief Accounts Officer (LFP-I)

Copy to: -

M/s Dishnet Wireless Limited, 5th Floor Building No. 10-A & B, DLF Cyber City, Gurgaon-122002 (Haryana).

14
No. 12-3/Decentralized of C.C./2017-LFP
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road, New Delhi -110001
(L.F.-Policy Wing)

OFFICE MEMORANDUM

Dated 09-03-2017

To,

All Pr. CsCA /CsCA

Subject: Delegation of work pertains to court cases of Hon'ble TDSAT and High Courts—regarding.

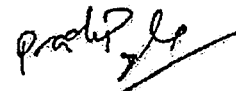
The competent authority of Department of Telecom has decided to delegate the authority to defend the court cases pertaining Hon'ble High Courts to the respective Pr.CsCA / CsCA offices to whom it pertains.

It is also noticed that all cases related to the TDSAT is being handled by the DoT HQ only considering the fact that the TDSAT bench is located in New Delhi only. However, it is also observed that many cases pertaining to the TDSAT are related with the PrCsCA /CsCA office, Delhi. In view of that, it has been decided to delegate authority and responsibility to the Pr. CsCA / CsCA office, Delhi to deal with those telecom Finance related cases of TDSAT which pertains to them as per decentralization scheme.

The responsibility of the Pr.CsCA / CsCA office regarding dealing with these cases would be as under:

- i. Collection of the petition from relevant place.
- ii. Appointing legal counsel in co-ordination with the DoT HQ, if required.
- iii. Preparing para-wise reply and getting the input of DoT HQ and any other DoT /GOI offices, if required.
- iv. Briefing to the legal counsel.
- v. Getting opinion from the legal counsel.
- vi. Co-ordination with legal counsel regarding filing of reply, date and time of hearing and court order.
- vii. Signing of Affidavit.
- viii. Any other matter dealing with legal cases in their territorial jurisdiction, if required in consultation with concerned division of HQ, Delhi.

This issues with the approval of competent authority.



(Pradeep Kumar Shukla)
Director (LFP-I)
(M) 9868138082

15

File No. 24-1/2009-LF
Government of India
Ministry of Communication
Department of Telecommunications
(Licensing Finance Policy wing)
20, Ashoka Road, Sanchar Bhawan,
New Delhi-110001

.....

Dated: 24.03.2017

To

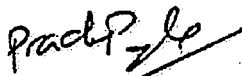
All Pr. CsCA/CsCA
Telecom Circles.

Subject: Review of Financial Bank Guarantee in respect of Access service Licenses-regarding.

Kindly refer to the DoT HQ letter no. 24-1/2007/LF dated 28.12.2010(Annexure enclosed) on the subject cited above vide which instructions were issued for keeping in abeyance any downward revision of FBG in respect of Access Service providers till further order.

2. It is intimated that the above said order dated 28.12.2010 have been withdrawn with immediate effect. It is applicable to all the FBGs maintained by the DoT/ CsCA at the time of review/revision of the same.

This issues with the approval of competent authority.


Director (LFP-I)

Copy to:-

1. DDG (LFA)/Sr. DDG (AS)/ DDG (CS)/ DDG (DS)/ DDG (WPF)/ DDG (Accounts)
2. COAI, 14, Bhai Veer Singh Marg, New Delhi- 110001
3. AUSPI, B-601, Gauri Sadan 5, Hailey Road, New Delhi -110 001
4. ACTO, UGF-74, World Trade Centre, Babar Road, Connaught Place, New Delhi- 110001
5. ISPAI, 612-A, Chiranjiv Tower, Building no: 43, Nehru Place, New Delhi- 110019
6. Director (LFA-I)/ Director (LFA-II)/ Director (LFA-III)/Director (LFA-IV)
7. ADG (LFP-II)/ ADG (ADG (LFP-III)

No.32-4/CCA-Delhi/2015/LFP
Ministry of Communications
Department of Telecommunications
Sanchar Bhavan, 20 Ashoka Road,
New Delhi-110001
(LF-Policy wing)

Dated:24.03.2017

To,

The Pr. CCA,
Delhi Region, DoT Building,
Prasad Nagar, New Delhi-110005

Sub: Release of Bank Guarantee of M/s Millennium Telecom Ltd-regarding.

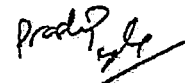
M/s Millennium Telecom Ltd. has been granted an ISP-IT category 'A' license dated 13.08.2002. In this regard a PBG No. 065 065/53/2000 dated 25.04.2000 for Rs. 2 crores submitted by M/s Millennium Telecom Ltd to the O/o Pr.CCA Delhi. The validity of PBG is expiring on 23.04.2017.

2. Further, on the request of M/s Millennium Telecom Limited, DoT had terminated the ISP-IT license of M/s Millennium Telecom Ltd w.e.f. 01.10.2014 vide its letter no. 820-376/02-LR (Vol II) dated 19.10.2016.

3. As per the terms and conditions of the license agreement, the Bank Guarantee may be released only after ensuring clearance of all dues. Accordingly, no dues certificate had been asked from the O/o CCA, Delhi against which the no pending dues has been reported by the CCA office vide its letter no. 1-9/CCA/Assmt./ISP-IT/Millennium Corr. dated 03.03.2017.

4. In view of the above, it is directed to release the Bank Guarantee of the licensee company i.e. M/s Millennium Telecom Limited.

This issues with the approval of competent authority.



(Pradeep Kumar Shukla)
Director (LFP-I)
PH:23372640

Copy to: 1. DDG (DS), DoT, Sanchar Bhavan, New Delhi-110001
2. M/s Millennium Telecom Limited, 4th Floor, Lobby No.2, Mahanagar
Doorsanchar Sadan, 9, CGO Complex, Lodhi Road, New Delhi-110003

F. No. 24-1/2016/LFP-I (Pt.)
Ministry of Communications
Department of Telecommunications
(Licensing Finance Policy wing)
20, Ashoka Road, Sanchar Bhawan,
New Delhi-110001

Dated: 06.04.2017

To

All Pr. CsCA/CsCA

Sub: Clarifications regarding verification of deductions claimed by NLD operators.

References have been received in the DoT Headquarter from the field units seeking clarification regarding deductions of Pass thru charges claimed by NLD operators.

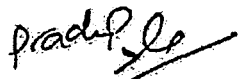
2. In this regard it is intimated that the 'Deduct' head of Annexure-A (Format of statement of Revenue and License Fee) of pre-amended NLD license agreement stipulates as under:

"Revenue of pass thru nature actually passed on to other service providers (operator wise details)."

4. Further, although initially all kind of licenses were having the provisions of 'PAYABLE' word, but later on, the word 'PAYABLE' was substituted with the word 'ACTUALLY PAID' by an amendment in the license agreements. Moreover, the DoT has never allowed the Pass thru charges on accrual basis due to the verification issues.

5. Considering the above mentioned fact, all the TSPs including the NLD licensee can claim the Pass thru charges on actually paid basis only. Therefore in case the TSPs are claiming Pass thru charges for past Financial Year, the same can be allowed on 'actually paid' basis only.

This issues with the approval of competent authority.


(P K Shukla)
Director (LFP-I)

Copy to:

1. DDG (LFA)/Jt. Admn. Finance (USOF)/DDG (WPF)/Sr. DDG (AS)/DDG (DS)/DDG (CS)
2. Director, LFA-I/LFA-II/ LFA-III/ LFA-IV
3. ADG, LFP-II/LFP-III/ Sr. AO (LFP-I).
4. PA to Director (LFP-I) for uploading on the DoT website.

18

18

**F.No. 1-14/2015/LFP
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS AND IT
DEPARTMENT OF TELECOMMUNICATIONS
(LICENSING FINANCE POLICY WING)**

Dated: 07.04.2017

OFFICE ORDER

Subject: DoT Committee to examine TRAI recommendations on "Definition of Revenue Base (AGR) for the Reckoning of Licence Fee and Spectrum Usage Charges" dated 8th January, 2016 and "Definition of Adjusted Gross Revenue (AGR) in license agreements for the provision of internet services and the minimum presumptive AGR" dated 01.05.2014.

It is intimated that the meeting with the Committee members under the chairmanship of Advisor (Finance) will be held on 10.04.2017 at 1100 hrs to 1430 hrs. in the Committee Room, 2nd Floor, Sanchar Bhawan, New Delhi to discuss the following proposal: -

- (i) Considering the fact that general AGR cases are being heard by the Hon'ble Supreme Court, the existing committee may not be able to take a decision on the general AGR issue and lot of correspondences made by the TSPs to the DoT regarding non-level playing field issues between old ISP licensee and UL-ISP licensees, the ISP AGR cases may be submitted separately for an early decision on the issue in order to avoid lot of litigation and other administrative difficulty for the DoT.
- (ii) A uniform licence fee of 8% of the AGR shall be applicable for all ISP and ISP — IT licences. Revenue for the purpose of licence fee for ISP and ISP — IT category shall include all types of revenue from Internet services, allowing only those deductions available for pass through charges and taxes / levies as in the case of access services, without any set-off for expenses. Revenues from Internet services shall also be included in the definition of AGR.
- (iii) The format of statement of revenue and license fee for ISP Licenses may be considered for approval.
- (iv) It is proposed to apply the definition of AGR and the format of the statement of revenue and the license fees for ISP authorization under Unified License on all other prevailing licenses.
- (v) The effective date for imposition of Uniform license fees on all prevailing non-UL ISP license shall be 01-07-2012.
- (vi) To refer back to TRAI the recommendation on applicability of minimum presumptive AGR on the existing ISPs holding the BWA spectrum with the value of presumptive AGR on the existing ISPs holding the BWA spectrum with the value of presumptive AGR being 5% of the sum of the total bid amount by the licensee for the respective service area, as applicable to the licensees who obtained the access spectrum in the auctions conducted in November 2012 and March 2013, for reconsideration since the same may be applicable for UASLJUL with Access Service authorization

Contd..... p/2.

2. Draft note to Telecom Commission attempted accordingly alongwith Annexure - I & II is also attached.

All are requested to make it convenient to attend the meeting as scheduled.


(Pradeep Kumar Shukla)
Director (LFP-3)

Copy to:

1. PPS to Member (F), DoT HQ.
2. PPS to Administrator (USOF), DoT HQ.
3. PPS to Advisor (F), DoT HQ.
4. Sr. DDG (LFP)
5. DDG (WFF)
6. DDG (LFA)
7. Sr. DDG (AS)
8. DDG (DS)
9. DDG (CS)
10. Jt. Administrator Finance (USOF)
11. CCA (Delhi)
12. SO (G-II), DoT (HQ) for booking the Committee Room for the scheduled date.

F.No. 1-8/2017/LFP-I
Government of India
Ministry of Communications
Department of Telecommunications
(Licensing Finance Policy Wing)
20, Ashok Road, Sanchar Bhawan,
New Delhi-110001

Dated: 17.04.2017

To

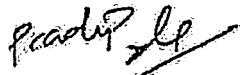
All Pr. CsCA/CsCA
Telecom Circles in India.

Sub: Procedure for termination/surrender of license and release/refund of Bank Guarantee-regarding.

After considering the relevant clause of the license agreement regarding termination of license agreement, set-off clause and release of Bank Guarantee, it is observed that there is no pre-requisite to ask for No-dues certificate during the termination/acceptance of surrender of license.

2. Besides, it is observed that the release of Bank Guarantee is totally a different matter with respect to the Termination/Surrender/Revocation of license. Further, the set-off considers that any other claim recoverable from or payable by the licensee under any contract can be deducted or adjusted against any amount/sum of money/security. Further, dues can be ascertained only when the date of surrender/termination has been taken on record.

3. Considering the above and in the interest of good governance, ease of administration and ease of doing business, it has been decided with the approval of competent authority that the License agreement may be terminated/surrendered/revoked immediately by the AS, CS and DS wing, as and when required after observing usual formalities, without linking it with the Dues status and release of Bank Guarantee. The Bank Guarantees shall be released only after satisfaction of the LF wing of the DoT. The LF wing shall issue the order for release/refund of Bank Guarantee considering all the Dues status/No dues certificate from the concerned quarters against the Licensee Company.


(Pradeep Kumar Shukla)
Director (LFP-I)
Ph. 23372640

Copy to: -

1. DDG (LFA)/ DDG (WPF)/ DDG (Accounts)/ Sr. DDG (AS)/ DDG (CS)/ DDG (DS) / Wireless Advisor/ Sr. DDG (TERM) HQ.
2. All Directors in LFA wing.
3. ADG (LFP-II)/ ADG (LFP-III)
4. AUSPI/COAI/ACTO/ISPAI.
5. Guard File.

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhavan, 20 Ashoka Road, New Delhi-110001
(LF-Policy wing)

No24-1/2016/LFP-I(pt)

Dated: 21/04/2017

To,

All Pr.CsCA/CsCA

Subject: Clarification regarding submission of Bank Certificates.

Please refer to Sl. No.2 of the DoT clarification Letter No. 1-28/2013/CCAs/LF-II dated 09.03,2015. The intent of said the clarification was to permit *certified bank statement or bankers certificate or both, as the case may be.* Therefore, Sl. No. 2 of the clarification is modified as under:

"Relevant pages of the bank statements showing relevant payments whether issued by bank or downloaded from the bank's website shall be signed by the bank authorities and authorized signatory of the Licensee. Licensee should show the relevant transactions by mapping of relevant transactions in prescribed format- AO and AG. In Annexure AG where settlement is done through adjustments, bank detail columns may be left blank. The requirement of banker's certificate indicating the name of the payee for transactions (where the name of payee is not available in bank statement) shall be continued. Therefore, the Licensees will have to submit the certified bank statement or bankers certificate or both, as the case may be, showing the transaction and breakup of the transaction amount.

This issues with the approval of competent authority.



(P. K. Shukla)
Director (LFP-I)

Copy to: 1. DDG (LFA)/ DDG (WPF)/ DDG (Accounts)

2. COAI/AUSPI/ACTO

3. M/s Aircel Limited, 5th Floor, Building No.10-A&B, DLF Cyber City, Gurgaon-122002.

21

**Government of India
Ministry of Communications
Department of Telecommunications
(Licensing Finance- Policy wing)**

No.24-1/2016/LFP-I

Dated: 28/04/2017

To,

All Pr.CsCA/CsCA

Subject: Clarification regarding two licenses held by the licensee companies simultaneously i.e. UL-ISP 'A' category license and old ISP-B category license- Case of M/s Meghbela Cable and Broadband Services Pvt. Ltd.

A reference has been received from CCA, Kolkata vide which it has been stated that one operator is operating business for Kolkata service area since December, 2007 and for West Bengal Service area since December, 2009 under ISP 'B' category license. Now, the operator has obtained an UL-ISP 'A' category license to operate service on all India basis.

2. In this respect, the clause 1.3(ii) of General Conditions of Unified License Agreement stipulates as under:

"The licensee company shall not hold any other license for the services covered under the scope of Unified License. In case the Licensee obtains any other License by way of acquisition or merger, the License so obtained shall have to be migrated and merged to the aforesaid Unified License as per prescribed procedure."

3. In this regard, due to overlapping of service area coverage under existing ISP category 'B' license and applied UL-ISP category 'A' authorization, it has been decided to cancel the ISP category 'B' license of the company w.e.f. signing of new UL-ISP category 'A' license. Further, it has also been decided that the all liabilities including License Fee and Spectrum Usage Charges dues, treatment of violations and imposition of penalty thereof, if any, associated with the old category 'B' ISP license shall remain applicable and payable even after signing of the UL-ISP 'A' license.

1 of 2

4. In view of the above, it is clarified that the licensees cannot hold the ISP 'B' category license along with UL-ISP 'A' category license simultaneously. The old license will be terminated automatically along with the date of signing of Unified License. All the Pr.CsCA/CsCA offices may take necessary action accordingly.

This issues with the approval of competent authority.

Prady
28/4/17
(P. K. Shukla)
Director (LFP-I)

Copy to: DDG (LFA) / DDG (WPF)

22

File No. 24-1/2016/LFP-I
Government of India
Ministry of Communications
Department of Telecommunications
(Licensing Finance Policy Wing)
20, Ashok Road, Sanchar Bhawan,
New Delhi-110001

Dated: 21.06.2017

To

All Pr.CsCA/CsCA.

Subject: Submission of additional Financial Bank Guarantee (FBG) on account of one-time revenue in respect of trading of spectrum – regarding.

It is intimated that representations are being received from various TSPs vide which they intimated that CCA offices are seeking additional Financial Bank Guarantee for the securitization of one-time revenue on account of trading of BWA spectrum as per trading guidelines.

2. In this regard it is conveyed that there need not be any securitization for one-time revenue on account of trading of BWA spectrum as per trading guidelines once the LF on this amount is paid. The rigid application of rule bereft of actual facts and situations is against the principle of just and fair interpretation of law, hence the additional FBG may not be insisted upon. This is in accordance with the instructions already conveyed to the CCA, Jharkhand Circle vide this office letter no. 24-1/2016/LFP-I dated 30.11.2016 in reference to his case mark JKDC-7/CCA-LF/Reports/Dishnet/LF/2016-17/917 & 991 dated 24.10.2016 & 10.11.2016.

This issues with the approval of competent authority.


Asstt. Director General (LFP-I)

Copy to: -

1. DDG (LFA)/DDG (WPF)/DDG (Accounts)
2. Director, LFA-I/LFA-II/LFA-III/LFA-IV, DoT HQ.
3. ADG, LFP-II & LFP-III, DoT HQ
4. Guard file.



2018 ~~2019~~

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
20 Ashoka Road, Sanchar Bhavan, New Delhi-110001

Dated 10 01 2018

To

All Pr CCA/ CCA

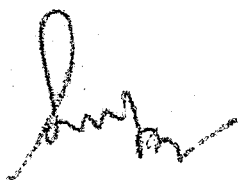
Subject: Expediting the assessment of Decentralized Licenses regarding

The Department of Telecom has issued more than one thousand Licenses till date. Other than the Access Service licenses, the assessment and collection of revenue has been delegated and decentralized to the Pr CCA/ CCA offices. However, it has been noted that the assessment and revenue collection of Decentralized Licenses is lagging behind in most of the circles.

2. In absence of proper and up to date assessment by the Pr CCA/CCA offices, it is difficult for the department to know the cumulative figures of the accruable revenue to the public exchequer which may be in tune of hundreds of Crores.

3. Therefore, all the Pr CCA/CCA offices are hereby instructed to expedite the assessment of decentralized licenses and issue demand notices accordingly. In case of non compliance on part of Licensees, DoT OM 24-1/2016/LFP-I dated 01.01.2016 is abundantly clear to take necessary immediate action treating it as violations of the terms and conditions of License Agreement.

4. The issues relating to the Updation of master data base of LF/WPF software, if any, may be communicated to Sh. Mandar Deshpande ADG (LFP-I) preferably on email (mandar.deshpande@gov.in) for speedier resolution.


(S. K. Gupta)
Sr. DDG (LFP)

Copy to: PPS Advisor (LFP) PPS (CGCA) DDG (LFA)

Dated: 13.03.2018

No. 37-1/2017/LFP-1/4

To

The Director General,
All India Radio (Spectrum Management & Synergy Division)
Akashvani Bhawan, Parliament Street,
New Delhi-110001

Subject: Applicability of Service Tax/GST in respect of the NOCC and Spectrum Charges of the Department of the Telecommunications- regarding

Kindly refer to your letter no. 5/3/2018.E.III/718-22 dated 12.02.2018 regarding the details of Service Tax/GST applicable in the NOCC Charges and Spectrum Charges. In this regard, it is submitted that, in the Union Budget 2016, the Government has added a service in the list of declared services at Section 66E(j) of the Finance Act, 1994 i.e. 'assignment by the Government of the right to use the radio-frequency spectrum and subsequent transfers thereof.' The responsibility of paying service Tax on this service is on the service recipient under reverse charge mechanism.

2. In this respect, it may be noted that the GST Act stipulates that the Government Department is required to take registration as a normal taxpayer only if it makes a taxable supply of goods and/or services and in such cases, the registration shall be obtained on the basis of PAN but Bank account is not mandatory. However, if it is not making an taxable supply of goods and/or services, it is required to register only as a deduction of tax at source on the basis of TAN/PAN.
3. Further, it is also submitted that after opening of the Telecom Services for private sectors in 90s and subsequent restructuring of the Department of Telecom in the year of 2000, the service function of the restructured DoT went to the BSNL/MTNL and the Department is left with the function of policy making and regulation only.
4. In view of the above, it is submitted that the responsibility of paying service Tax on this service is on the service recipient under reverse charge mechanism.

Digitally signed by Pradeep Kumar Shukla

Date: 2018.03.13 16:57:57 IST

(Pradeep Kumar Shukla)

Director (LFP-I)

Ph: 23036187

9c

Dated, the 16th March, 2018

OFFICE MEMORANDUM

Sub: Non-adherence to contractual obligation of Bank Guarantees by Axis Bank-regarding

Axis Bank has failed to invoke a Bank Guarantee issued by them on behalf of Aircel Group of Companies.

This action by Axis Bank is a serious breach of trust and contract with Government of India.

In view of this, you are hereby directed not to accept any new Bank Guarantee from Axis Bank, including renewals.

This issues with the approval of the competent authority.

Pradeep Kumar Shukla
16/3/18
(Pradeep Kumar Shukla)
Director (LFP-I)

To

All Pr.CsCA/ CsCA

Copy to:

1. All Sr.DDsG/DDsG, DoT, Sanchar Bhawan
2. Cellular Operators Association of India 14, Bhai Vir Singh Marg, Sector 4, Gole Market, New Delhi, Delhi 110001
3. Association of Unified Telecom Service Providers of India, B-601, Gauri Sadan 5, Hailey Road, New Delhi -110001
4. Association of Competitive Telecom Operators UGF-74, World Trade Centre, Babar Road, Connaught Place, New Delhi-110001

-Contd.-

606956/2022/ADB-tell

~~GDS-11/2018/2018-DS-III~~
 Ministry of Communications
 Department of Telecommunications
 (LF Policy Wing)
 20, Ashoka Road, Sanchar Bhawan
 New Delhi-110001

F. No. 1-90/2012/LF-I (Pt1)

Dated: 05.09.2018

To,

The Controller General of Communication Accounts,
 NICF Campus, Mehrauli Road,
 Chitorni, New Delhi

Subject: Transfer of work relating to LFP wing to O/o CGCA-reg.

Kindly refer to letter No. 03-07/2018-SEA-I dated 10.08.2018 regarding the work to be decentralized/transferred to CGCA. It has been decided by competent authority to transfer the following items of work relating to LFP wing to CGCA. The transferred works and modalities are explained as below:

1. Management of Financial Bank Guarantee and Performance Bank Guarantee

The CCAs shall continue to remain the custodian of Bank Guarantees of the Licensees under their jurisdiction.

Sr. No	Nature of Work	Present Workflow	Revised Workflow
1	Acceptance of Bank Guarantees as sent from AS/DS/CS Wing for new Licenses being issued.	LFP Wing accepts the BGs and sends them forward to CCAs.	As/CS/DS Wing shall send the BGs directly to CGCA, who in turn will send them to CCAs.
2	Confirmation/Amendment/Extension/Review of Bank Guarantees.	Task is conducted by CCAs. LFP Wing is the nodal wing for coordination.	The task shall be carried by CCAs. CGCA shall now be the Nodal wing.
3	Release of PBGs and FBGs	LFP Wing coordinates with CCAs, TERM cells, WPC/WPF Wing, AS/CS/DS Wing and is responsible for releasing the PBGs and FBGs	CGCA shall coordinate with CCAs, TERM cells, WPC/WPF Wing, AS/CS/DS Wing and shall be responsible for releasing the PBGs and FBGs
4	Policy issues regarding Bank Guarantees and Clarifications	LFP Wing is the nodal Wing.	The work shall continue with LFP wing. LFP wing may seek inputs from CGCA whenever required.

Contd.....

Is this O.K.
 To my knowledge DS wing has
 not been consulted.
 5/9
 Dir DS-1 / Dir DS-2

6/9
 PDC(DS)

~~SECRET~~
DS-111/2018-DS-111

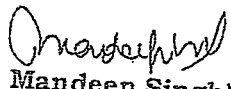
Sr. No	Nature of Work	Present Workflow	Revised Workflow
1	Vetting of new Licenses	LFP Wing vets the License Application	The work shall continue with LFP Wing
2	Entry of new license in software and intimation of CCA.	LFP Wing is the nodal Wing.	CGCA shall be the nodal wing. Licenses as issued by AS/DS/CS Wing shall be forwarded to CGCA, who shall make the entry in software and intimate the CCA.
3	Monitoring and regulation of Assessment of licenses.	LFP Wing is the nodal Wing.	CGCA shall be the nodal wing. CGCA Shall ensure timely assessment by CCAs, issue clarifications if required and ensure timely collection of revenue.
4	Termination of Licenses	LFP Wing vets the license termination applications.	The work shall continue with LFP Wing. LFP Wing may seek inputs from CGCA as and when required.

III. Discharging the duty of Appellate Authority for assessment done by Pr. CCAs/ CCAs.

Sr. No	Nature of Work	Present Workflow	Revised Workflow
1	Clarifications regarding Decentralised Licenses. the	LFP Wing is the nodal wing.	CGCA Shall be the nodal Wing. CCAs shall seek clarifications from CGCA, which is empowered to issue the necessary clarifications. LFP Wing shall not entertain the letters from CCAs. If the CGCA feels the need to refer any policy issue to DoT HQ through LFP Wing, they may choose to do so.
2	Appellate authority for assessment of decentralised Licenses. of	LFP Wing is the nodal wing.	CCA shall be the assessment authority. The appeal against the assessment as done by CCAs shall lie with CGCA. The CGCA may choose to refer extraordinary cases to DoT HQ if felt necessary.

The relevant files related to the above-mentioned works along with the correspondence shall be handed over to the CGCA within 2 weeks.

This issues with the approval of competent authority.


 (Dr. Mandeep Singh)
 Director (LFP-I)

Copy to:

1. PS to Secretary (T), Department of Telecommunication
2. PS to Member (P), Telecom Commission, Department of Telecommunication
3. PS to Member (T), Telecom Commission, Department of Telecommunication
4. PS to DG (Telecom), Department of Telecommunication
5. PS to Advisor (P), Department of Telecommunication
6. Sr.DDG(LFP)/ DDG(E&T)/ DDG(LFA)/ DDG(WPF)/ DDG(Accounts)/ DDG(B&P)/ DDG(Finance) /DDG(AS)/ DDG(CS)/DDG(DS)/Wireless Advisor
7. All the Pr CCA/CCA, Telecom Circle.

2019

1/c

No: 1-22/2016/LFP-I/Part
Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

.....
Office Memorandum

13/03
Dated -02.2019

Sub: Clarification regarding Cumulative/Presumptive/Negative AGR

The Unified License provides three different methodologies of calculation of License Fee, namely

- a. Actual AGR based License Fee
- b. Presumptive AGR based License Fee
- c. Entry Fee based Minimum License Fee

The relevant clauses are reproduced as under:

18.2 License Fee:

18.2.1 In addition to the Entry Fee, an annual License fee as a percentage of Adjusted Gross Revenue (AGR) shall be paid by the Licensee service-area wise, for each authorized service from the effective date of the respective authorization. The License fee shall be 8% of the AGR, inclusive of USO Levy which is presently 5% of AGR.

Provided that from Second Year of the effective date of respective authorization, the License fee shall be subject to a minimum of 10% of the Entry Fee of the respective authorized service and service area as in Annexure-II.

18.2.2 In case the Licensee obtains access spectrum for operation of any authorized service in a service area, a 'presumptive AGR' for that authorized service and service area shall be arrived at in accordance with the relevant provisions of the Notice Inviting Application (NIA) document of the auction of spectrum or conditions of spectrum allotment/LoI as the case may be. The License Fee based on presumptive AGR shall be applicable from the date of issue of Letter of Intent earmarking such spectrum or the effective date of the license/authorization, whichever is later. The Licensee shall, in such cases, pay the license fee on the presumptive AGR or actual AGR or the minimum license fee referred in condition 18.2.1, whichever is higher.

In case, the Licensee obtains spectrum for any service and service area in different bids, the total presumptive AGR shall be the sum of the presumptive AGRs calculated on the basis of the respective Bid amounts

as prescribed in the respective NIA or conditions of spectrum allotment/LoI as the case may be.

Provided that, for the spectrum obtained in the auctions conducted in November 2012 and March 2013, the presumptive AGR, for Access services shall be equal to 5% of sum of the total bid amount by the Licensee for the respective Service Area.

2. The License Agreement mentions that the Licensee has to pay maximum of the three [Actual/Presumptive AGR based LF or Entry Fee based Minimum LF]. The License Fee is calculated on annual basis however the payment of License Fee has to be done on quarterly basis. Therefore, there is difference of interpretation as to whether the 'Maximum of three' principle is applicable on annual basis or for every quarter. References have been received from CsCA as well as TSPs for clarification.

3. The issue is clarified as follows:

- i. The UL mandates the Licensee to pay Annual License Fee, however the payment schedule is divided in 4 quarters. Therefore, the principle of 'Maximum of three' is to be applied to the whole year rather than individual quarters.
- ii. However, to ensure that Licensee pays the due amount, the concept of 'Cumulative AGR' will be applicable. Cumulative AGR means at the end of every quarter, respective AGRs (Actual or Presumptive) shall be cumulated for all the preceding quarters. Then the License fee based on Cumulative Actual AGR, Cumulative Presumptive AGR and Entry Fee based License Fee shall be compared and maximum of the three shall be the total License Fee payable till that quarter. The License Fee paid by the TSP up to preceding quarter shall be subtracted to arrive at the Quarterly amount of LF payable. [Annex-I]
- iii. This cumulation shall be within one financial year only. And the AGR figures of one financial year shall not be cumulated further to subsequent year.
- iv. For the treatment of Negative AGR, the principle of quarterly cumulation will be in effect to compare 'Maximum of Three' to arrive at the quarterly LF payable. It is reiterated again that the AGR figures of one financial year (whether negative or positive) shall not be cumulated to next year.
- v. The cumulation and comparison shall be applicable to all existing UL Licensees. In case of new UL Licensee or old Licensee migrating to UL regime, clause 20.3 shall remain applicable as far as effective

date for the LF based on comparison of 'maximum of three'. Clause 20.3 is reproduced as under:

"20.3 The minimum license fee or the license fee based on presumptive AGR, as may be applicable, as per conditions 18.2.1 and 18.2.2, for the above part-periods, shall be charged on pro-rata basis, based on actual number of days in the part period of the Quarter"

- vi. As per the UL terms and conditions, Entry Fee based Minimum LF shall be 10% of the Entry Fee of the respective authorized service and service area. Hence for quarterly comparison, the Quarterly Minimum LF shall be 2.5% of the Entry Fee of the respective authorized service and service area, as per the UL Agreement.
- vii. The Annual Presumptive AGR as defined by UL agreement shall be equal to 5% of sum of the total bid amount by the Licensee for the respective Service Area. Hence for quarterly comparisons, the presumptive AGR shall be 1.25% of the total bid amount by the Licensee for the respective service area.

This issues with the approval of Secretary (T).

Mandar
13/3/19
(Mandar Deshpande)
Director (LFP-II)

Enclosure: As above

To,

1. CGCA and all CsCA,
2. DDG (LFP)/DDG (LFA)/DDG (WPF)

Copy to:

1. PPS to Secretary (T), PPS to Member (F), PPS to Advisor (F)

No: 1-9/2019-LFP-I
Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

.....
Office Memorandum

Dated 09.10.2019

Sub: Clarification regarding Surplus Adjustment

License Agreements (CMTS, UASL and UL) mandate payment of annual License Fee and Spectrum Usage Charges as a percentage of Adjusted Gross Revenue. LF and SUC dues are payable by TSPs quarterly based on self-assessment. However they attain finality after a detailed assessment by the Licensor. Different TSPs, their associations as well as CsCA have submitted representations to Department of Telecom regarding clarity on adjustment of surplus lying with DoT.

2. The relevant aspects are:
 - a. There is long standing dispute before the Supreme Court over the definition of AGR. Department of Telecom has submitted before the Court that it will continue to raise the demands for LF and SUC however the same will not be enforced. Therefore, the TSPs and DoT continue to calculate LF/SUC as per their own understanding, which have a significant variation.
 - b. The Assessments carried out by CsCA/LFA Wing keep getting reopened due to updated DVR reports, CAG reports, Special Audit reports and so on. Thus, the demand notices pertaining to LF/SUC dues keep getting revised.
 - c. In the absence of finality of the assessment and non-uniformity of the principle to arrive at AGR, it is not possible to conclusively establish the existence of 'Surplus/Excess' as claimed by the TSPs.
 - d. The TSPs may be allowed to submit their claims for adjustment of surplus in keeping with the principles of natural justice.
3. The following course of action has been approved to deal with the subject claims:
 - a. The Licensee may submit the claim for the adjustment of surplus. The date of adjustment of surplus, if any, shall be the date of the actual payment of the claimed surplus amount.

- b. The Licensor shall examine the claim and make determination of surplus amount admissible, if any, as per the license conditions with a caveat that the entire LF/SUC due amount is subject to re-assessment as per the outcome of Court cases or as determined by Special Audit/C&AG audit and finalization of accounts. In case of re-assessment, such adjustments may result in shortfalls for subsequent quarters, and the Licensee shall be liable to pay interest, penalty and interest on penalty, as applicable.
- c. CCA will be the authority to allow surplus adjustments of SUC/LF in all cases. However, only in the cases of centralized assessments which are being done at DoT HQ; DDG (LFA) will be the authority to allow surplus LF.
- d. Any adjustment based on the requests of TSPs shall however be limited to the same License and in the same Circle across subsequent quarters/financial years. Inter-License and Inter-Circle adjustments shall not be permitted.
- e. Surplus License Fee, if any, can be adjusted only against LF demands; and surplus Spectrum Usage Charge, if any, can be adjusted only against SUC demands.

This is in supercession of all the previous orders on the issue of surplus adjustment and issues with approval of Hon'ble Minister of Communications.

Mandar
09/12/19
-(Mandar Deshpande)
Director (LFP-II)

To,

1. CGCA and all CsCA,
2. DDG (LFP)/DDG (LFA)/DDG (WPF)

Copy to:

1. PPS to Secretary (T), PPS to Member (F), PPS to Advisor (F)
2. COAI/ISPAI/VNOAI
3. All TSPs.



Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: 24-1/2016/LFP-I

Dated 17.10.2019

Sub: Downward revision of the Financial Bank Guarantees

The competent authority has decided that the downward revision of Financial Bank Guarantees shall not be carried out until further orders.

This issues with the approval of Hon'ble Minister of Communications.

Mandar
17/10
(Mandar Deshpande)
Director (LFP-II)

To,

1. CGCA/ All CCAs
2. DDG LFA/WPF
3. COAI/ACTO/VNOAI/ISPAI
4. All the TSPs



Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: 34-1/2018-LFP-I

Dated 06.11.2019

Subject: Clarification regarding ISDN/PRI charges for VNOs.

Reference: letter no CCA/GUJ/LF/Ruling/UL-VNO/2018-19 dated 16.10.2019 from CCA Gujarat to DDG (LFP) – copy enclosed.

The UL VNO Cat 'B' Licensees have brought out that some CCA's have disallowed certain deductions such as ISDN/PRI on the basis that they are applicable from 2018-19 as per the amendment dated 24.10.2018.

2. It is clarified that the ISDN/PRI are essentially a part of the 'Access charges' and are covered as the deductions under the original License Agreement also and not restricted by the amendment dated 24.10.2018. Therefore, the assessments may be revised accordingly.

This issues with the approval of Member (F).

Mandar
06/11
(Mandar Deshpande)
Director (LFP-I)

To,
All CCA's

Copy to:
All India DID Franchisee Association

Adk 2020

PCL X Error

Subsystem: KERNEL
Error: UnsupportedBinding
Operator: 0x0
Position: 0



Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: 12-24/2019-LFP

Dated: .01.2020

Sub: No Coercive action to be taken against the TSPs in relation to AGR dues.

This is in relation with the judgment and order of the Hon'ble Supreme Court in AGR matter dated 24.10.2019, whereby the Hon'ble Court had given the TSPs three months time to make the payments and submit compliance.

LFA Wing has already informed the Access Service Licensees to make the payments to DoT HQ [letter attached herewith].

You are directed not to take any coercive action against the Licensees in case they fail to comply with the Supreme Court order, until further orders.

A detailed status report of compliance, or otherwise may be sent to CGCA (TSP Wise) on 24.01.2020 by 5.00 PM.

This issues with the approval of Member (F).

Mandar
22/01/2020
(Mandar Deshpande)
Director (LFP-I)

To,

1. All CCAs
2. CGCA
3. DDG LFA/ DDG WPF

Deshpande

DDG (LFA-III)

Dir I / III
Put up on 24/11

All to please note and
Keep a copy with them.

M
-1-

c.No. 446496/2020-DDG(LFA & PEF)
23/1/2020

129/Dir (LFA-III)
24/01/20

U49563/es/000/11/02/20
~~DS-111/09/2018-DS-III~~

No. 1-90/2012-LF-I (Pt-I)
 Government of India
 Ministry of Communications
 Department of Telecommunications
 (LF Policy Wing)

Dated:- 11.02.2020.

To

All Pr. CsCA/CsCA. (through email).

Subject:- Transfer of work relating to LFP wing to O/o CGCA –regarding.

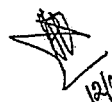
Kindly refer to this office letter No.1-90/2011/LF-I (Pt-I) dated 05.09.2018 regarding the subject mentioned above. (copy enclosed).

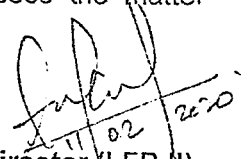
2. In this regard, it is intimatted that the work related to release of PBGs/ FBGs and clarifications regarding decentralized Licenses has already been decentralized/ transferred to O/o CGCA vide aforementioned letter from this office.

3. Some of CCA offices are forwarding applications of decentralized licenses for release of PBGs /FBGs and clarifications thereof to this office. Licensing wings of DoT HQ are also endorsing a copy of their order of termination/ surrender of licenses to this wing instead of to the O/o CGCA.

4. In view of the above, it is requested to present the related documents with regard to release of PBGs/ FBGs and clarifications in respect of decentralized Licensees to O/o Jt. CGCA (Revenue), Office of CGCA, Telephone Exchange Building, Karol Bagh, New Delhi -110005 directly. The O/o Jt. CGCA (Revenue) is requested to process the matter accordingly.

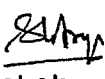
This issues with the approval of Competent Authority.

Pl advise officer concerned accordingly

12/02/2020


 11/02/2020
 Director (LFP-II)
 Tele No. 011-23036232

Encls:- As above.

Copy to:-

DIR (DS-III)
ADG (DS)

13/02/20

1. DDG (AS), DDG (DS), DDG (CS), DDG (Sattelite) & DDG (WPF) for information and with a request to have the orders of termination/surrender endorsed to the respective CCAs with a copy to the O/o Jt. CGCA (Revenue).
2. O/o Jt. CGCA (Revenue), O/o CGCA, T.E Building, Karol Bagh, New Delhi-110005 for information and necessary action.
3. Director (AS-IV), Director(DS-III), and Director (CS), Director (WPF), Director (Satelite Division) wing DoT HQ for information and necessary action.

PCL XL error

Subsystem: KERNEL
Error: IllegalAttributeValue
Operator: SetColorSpace
Position: 5

MOST URGENT

Government of India
Ministry of Communications
Department of Telecommunications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi-110001

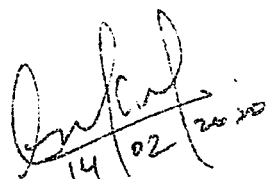
No. 12-26/2015/LFP (Part.II)

Dated 14th Feb, 2020

Subject : Reference letter No. 12-24/2019-LFP dated 23.1.2020

This office letter No. 12-24/2019-LFP dated 23.1.2020 stands withdrawn with immediate effect. It is directed to take immediate necessary action in compliance with the judgement dated 24.10.2019 of the Hon'ble Supreme Court.

This issues with the approval of Member (Finance).


14/02/2020
(Ankur Kumar)
Director (LFP-II)

To

1. Controller General of Communication Accounts
2. All Pr. Controllers of Communication Accounts/ Controllers of Communication Accounts
3. Dy. Director General (Licensing Finance Assessment) /DDG (Wireless Policy Finance)

Copy to:

TSPs/Licensees with a direction to make immediate payments in compliance with Hon'ble Supreme Court Order dated 24.10.2019

Government of India
Ministry of Communications
Department of Telecom
Licensing Finance Policy wing
Sanchar Bhavan, 20, Ashoka Road, New Delhi

No. 12-25/2019-LFP

Dated: 13.07.2020

Sub: Order of the Hon'ble Supreme Court dated 11.06.2020 in the AGR Matter regarding

I am directed to refer the order of the Hon'ble Supreme Court dated 11.06.2020 in the AGR Matter [CA 6328-6399 of 2015] enclosed herewith. The Hon'ble Supreme Court has inter-alia observed that,

"It is apparent that the licences are different and our judgment in this case could not have been made the basis for raising the demand against Public Sector Undertakings. Even otherwise, the Public Sector Undertakings are not in the actual business of providing mobile services to the general public.

In the circumstances, let the Department of Telecom reconsider the demand that has been sprung, within three days from today, and on the next date of hearing report the compliance of the action taken on the basis of this order"

2. The undersigned is directed to inform that, pursuant to the directions and observations of the Hon'ble Supreme Court in their order dated 11.06.2020, and upon consideration of the representations received earlier and now from the non-telecom PSUs, which are duly recommended by their Administrative Ministries, the competent authority has decided to withdraw the demands raised for License Fee on account of non-telecom revenue for M/s Powergrid, GAIL, Oil India and DRMC. Action may be taken accordingly and compliance reported forthwith.

This issues with the approval of competent authority.

Mandar
Director (LFP-I)

To,

1. Pr. Controller of Communication Accounts, Delhi
2. Controller of Communication Accounts, Assam

Copy to,

Controller General of Communication Accounts

Subsystem: KERNEL
Error: UnsupportedBinding
Operator: 0x0
Position: 0



Government of India
Ministry of Communications
Department of Telecommunications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi - 110001

No. 12-18/2018-LFP

Dated: 06.10.2020

To

1. All Principle Controller of Communication Accounts/Controller of Communication Accounts
2. Controller General of Communication Accounts
3. Dy. Director General (LFA)

Sub: Regarding Assessment of License fee in respect of ISP/ISP-IT/UL-ISP licences.

This office had received various communications regarding the assessment of License Fee of ISP/ISP-IT/UL-ISP licenses and review of FBG in view of the Ld. TDSAT judgment dated 18.10.2019 in TP 169 of 2014 [ISPAI vs UoI].

2. In this regard, it is intimated that DoT has already challenged Ld. TDSAT judgment dated 18.10.2019 by filing Civil Appeal vide Diary No. 14382 dated 10.07.2020 before Hon'ble Supreme Court.

3. Further instructions in this regard may kindly be awaited.

This issues with the approval of competent authority.

Mandak
6/10/2020
Director (LFP-I)

dm
06/10/2020

atc
sent through email to
all Ps. CCAD CCA,
CGCA office
Dated 6/10/2020

76

04.10.21

1697



Ministry of Communication
Department of Telecommunications
20 Ashoka Road, Sanchar Bhawan
New Delhi-110001
(Licensing Finance Policy Division)

Resub R
Addl CGCA
Sr. Dy. CGCA (A)
A/2109/21

dated 15.09.2021

F. No.12-25/2019-LFP (pt)

Subject: Issue of Guidelines for Assessment of License fee in r/o PSUs after the Hon'ble Supreme Court Judgement dated 11.06.2020 - regarding.

In continuation of this office letter No.12-25/2019-LFP, dated 13.07.2020 (copy enclosed) Hon'ble Supreme Court order dated 11.06.2020 in the AGR matter [CA 6328-6399 of 2015] is enclosed herewith. The Hon'ble Supreme court has inter-alia observed that.

"It is apparent that the licences are different and our judgment in this case could not have been made the basis for raising the demand against Public Sector Undertakings. Even otherwise, the Public Sector Undertakings are not in the actual business of providing mobile services to the general public.

In the circumstances, let the Department of Telecom reconsider the demand that has been sprung, within three days from today, and on the next date of hearing report the compliance of the action taken on the basis of this order."

2. You are requested to complete the assessment of PSU's (M/s Powergrid, GAIL, Oil India and DMRC, ERNET, NICSI, STPI and GIPL) as per the terms and conditions of licence agreement and in light of the Hon'ble Supreme Court order dated 11.06.2020. *space*

This issues with the approval of Competent Authority.

[Signature]
15/09/2021
Director (LFP-II)

Encl: As above.

To,

- 1. CGCA, New Delhi
- 2. Pr. Controller of Communication of Accounts, Delhi
- 3. Controller of Communication of Accounts, Gujarat
- 4. Controller of Communication of Accounts, Assam

- X Spoken with Adl. CGCA.
- X Pl. link up by dt 13.7.2020
- X Pl. spk urgently 4 DFA ~~re~~ to DOT.

[Handwritten initials]

ACAO-II VSAM w/o

10

May 1/10

*Adl. CGCA has been taken
action and letter sent to
on 14/09/21*

14

112/a

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: 24-1/2016/LFP-I

Dated .09.2021

Sub: Clarification in respect of assessment of UL-VNO authorizations - regarding.

The undersigned is directed to refer to the OM regarding Assessment of UL VNO Licenses dated 28.03.2019 and inform that,

- i. The service area for UL VNO Access Service Category-B authorizations is restricted to a geographical area of a district of a state/ Union territory, which is analogous to UL ISP Category C authorization.
- ii. The competent authority has decided in partial modification of the OM dated 28.03.2021, only the assessment of UL VNO Access Service authorization shall remain centralized at Dot HQ.
- iii. The assessment of UL VNO Access Service Category-B authorizations shall take place at the particular CCA under whose jurisdiction the registered office of the company falls; irrespective of the service area of operation under the license. All the FBG(s) shall be maintained under the same CCA, who shall be responsible for periodic revision of the same.

This issues with the approval of the competent authority.

Pardeep
30/09/2021

(Pardeep Mahawat)
Assistant Director General (LFP-I)

To:

1. CGCA
2. Ail Pr./CsCA
3. DDG LFA, DDG WPF, DDG AS, DDG DS, DDG CS
4. VNOAI, COAI, ISPAI, ACTO

Copy to:

1. PPS to Secretary (T)
2. PPS to M(F)
3. PPS to Advisor (F)

2021 (Pdt)

No. 1-9/2019-LFP-I
Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi-110001

Office Memorandum

Dated: 08.10.2021

Subject: Procedure for rationalization of Bank Guarantees pursuant to the amendment in the License Agreement(S)

Kindly find enclosed the License Amendment bearing No. 20-271/2010 AS-I (Vol.IV) dated 06.10.2021 pursuant to the decision of the Union Cabinet in respect of Rationalization of Bank Guarantees.

2. The competent authority has decided the modalities for implementation of the aforesaid amendment as follows:

Licensees whose License Fee assessment is carried out at LFA Wing, DOT HQ

O/o Controller General of Communication Accounts shall be responsible for custody and maintenance of all PBGs and FBGs (excluding spectrum auction FBGs and roll-out obligation related PBGs) including inter alia the following:

- i. Ascertaining the revised FBG/PBG amount requirement in terms of the License Agreement;
- ii. Communicating the revised FBG/PBG requirement to concerned TSPs;
- iii. Receiving the revised bank guarantee(s) and getting the verification/confirmation from concerned banks;
- iv. Releasing of old PBGs/FBGs to TSPs;
- v. Six-monthly review of FBGs amounts.

Licensees whose License Fee assessment is carried out by CCA offices

The concerned CsCAs carrying out the LF assessment shall be responsible for custody and maintenance of all PBGs and FBGs (excluding spectrum auction FBGs and roll-out obligation related PBGs) including inter alia the following:

- i. Ascertaining the the revised FBG/PBG amount requirement in terms of the License Agreement;
- ii. Communicating the revised FBG/PBG requirement to the concerned TSPs;
- iii. Receiving the revised bank guarantees and getting the verification/confirmation from concerned banks;
- iv. Releasing of old PBGs/FBGs to TSPs;
- v. Six-monthly review of FBGs amounts.

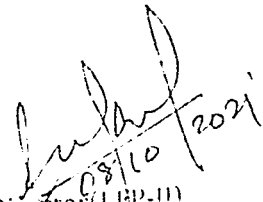
3. Regarding calculation of Bank Guarantee requirements in respect of "dues not otherwise securitized", following amounts shall not be included while computing of PBG/FBG amounts:

- i. AGR Dues determined as payable by the Hon'ble Supreme Court Judgment dated 1.9.2020;
- ii. License Fee and SUC dues for prior and current periods, not included in Hon'ble Supreme Court judgment which are the subject of dispute/litigation of assessments/wherein TSPs have submitted representations which are pending; In these cases the demands will become due (payable) on settlement of outstanding issues;
- iii. CAF and EMF penalties (violations of license) and demands of Liquidated Damages. The issues of securitization for violation of license terms and conditions is covered under PBG prescribed under clause 21.1 of UL Agreement.

3. Necessary action shall be taken to effect the revised PBG/FBG requirements immediately. O/o Controller General of Communication Accounts may issue suitable instructions to the CsCA and TSPs towards effective implementation of the Cabinet decision.

This issues with approval of Competent Authority.

Encl: As above.


08/10/2021
Director (LFP-II)

Copy to:

1. CGCA
2. Member (T)/DGT/Advisor (F)/JWA: with the request to immediately furnish the detail referring BGs under litigations, corporate insolvency resolution process or those licensees who have closed operations (undergoing liquidation/liquidated) to O/o CGCA
3. All Pr. CsCA/ CsCA
4. DDG (LFA)/DDG(WPF)
5. PPS to Secretary (T)
6. PPS to Member (F)
7. Director IT for uploading on DoT website.
8. All Operators concerned.
9. Guard file.



सत्यमेव जयते

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: 1-17/2021-LFP

Dated 15.12.2021

Sub: Rationalization of Bank Guarantees pursuant to the decisions taken by the Union Cabinet - regarding

Ref-I: Your email dated 03.12.2021,

Ref-II: BSNL Letter no BSNLCO-RGLN/27/2/2020-REGLN/E-1168 dated 01.12.2021 attached as Annexure I

Ref-III: VIL Letter dated 03.12.2021 attached as Annexure II

The undersigned is directed to refer to aforesaid communication and to inform that,

- Department of Telecom has to carry out rationalization of Bank Guarantees of VIL and BSNL as decided by Union Cabinet.
- In case of VIL, the Licensee has submitted that additional BGs amounting to Rs 850 Cr may be withheld by DoT towards securitization of dues; and the same has been acceded to.
- The issue of delayed/non-payment of LF/SUC by BSNL/VIL is being dealt with separately.

Appropriate action may be taken accordingly.

This issues with the approval of competent authority.

Pardeep Mahlawat
15/12/2021

(Pardeep Mahlawat)
ADG (LFP-I)

To,
Sh. Manoj Anand,
Sr. Jt. Controller General of Communication Accounts
Office of CGCA,
NICF Campus, Ghitorni, NEW DELHI - 110078

✓ 2022

Government of India
Ministry of Communications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi.

No:24-1/2018-LFP-I

Dated:26.04.2022

To,

Sr. JtCGCA(Revenue) ,
Dept. of Telecom Ministry of Communications,
NICF Campus, Ghitorni, New Delhi.

Subject: Regarding formula for calculation of FBG amount for License Fee (LF) and Spectrum Usage Charges (SUC) in connection with the amendment in License Agreement for rationalization of BGs.

Ref: letter No. 50-1/2021/BG Policy dated 09.12.2021

With reference to your above letter the following is clarified.

- a) FBG review for LF shall be done as per clause 21.2 of the license agreement which mentions that "the FBG shall be equivalent to 20% of the estimated sum payable of LF for two quarters and by the licensor".
- b) "Estimated sum payable of LF for two quarters" will be arrived by taking the *arithmetic mean of the quarterly LF payable by the operator during last 4 quarters multiplied by 2.2.*
- c) FBG review for SUC also will be carried out similar to LF as per procedure outlined in a and b above.

R. Sathish Kumar
Sathish Kumar R
Director (LFP II)

Copy to :
DDG(LFA)/DDG(WPF)

Government of India
Ministry of Communications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi.

No:1-35/2022-LFP-II

Dated:04.05.2022

To,

Sr. JtCGCA(Revenue),
O/o CGCA
NICF Campus, Ghitorni, New Delhi.

Subject: - Corporate Insolvency Resolution Process (CIRP) of New Age Satellite Service Private Limited (formerly M/s Invest well Merchant Private Limited), (hereinafter referred to as corporate debtor/CD): Case of Release of Bank Guarantee.

Ref: Letter No.50-1/BG Release/2020/CCA West Bengal dated 12.04.2022

With reference to your above letter, the case has been examined and it is seen that NOCC dues are still to be paid by the company as per your office email dated 22.04.2022. Accordingly, the BG's may be returned to IRP (as per section 18 of IBC) after ensuring that the outstanding dues are paid/secured.

R. Sathish Kumar
Sathish Kumar R
Director (LFP II)

Government of India
Ministry of Communications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi.

No: 13-3/2013/ISP-IT/LF-I

Dated: 09.05.2022.

To,

Sr. Jt. CGCA (Revenue)
NICF Campus,
Ghitorni, M.G. Road
New Delhi-110030.

Subject: Request for rationalisation of bank guarantees of M/s Hughes regarding.
Ref: O/o CGCA letter No 50-1/2021/BG New Regim/Corr/2021 dated 30.11.2021

With reference to your above letter the following is intimated:

1. Review of the Status of Bank guarantees of M/s Hughes Communication India limited be carried out in terms of latest license amendment dated 06.10.2021 and LFP Wing OM dated 08.10. 2021.
2. After ensuring that sufficient bank guarantees are available as per Point 1 above, the Bank guarantees submitted by M/S Hughes Communication India in compliance to the TDSAT order in TP 327/2007 dated 14/02/2008 and Hon'ble Supreme court order in CA no.1226 /2011 may be rationalised.

This issues with the approval of competent authority

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

1-17/2021-LFP
Government of India
Ministry of Communications
Department of Telecommunications
(LF Policy Wing)

Dated: 13 -05-2022

To

The Sr. Jt. CGCA (Revenue)
O/o CGCA
NICF Campus
Ghitorni
New Delhi-110030.

Sub: Release of Financial Bank Guarantees withheld in lieu of Quarterly License Fee (LF) and Spectrum Usage Charges (SUC) payments made by M/s Vodafone Idea Limited(VIL) for 2021-22.

Ref:- This office letter no. 1-17/2021-LFP dated 15.12.2021.

Kindly find enclosed copy of letter No. VIL/RCA/PB/April/2022/007 dated 26.04.2022 received from M/s Vodafone Idea Limited on the above cited subject. In this regard, it is mentioned that M/s VIL has made payment from Q2 to Q4 of FY 2021-22, as per self-assessment, through payment and adjustment of encashed bank guarantees.

2. Accordingly O/o CGCA may take necessary action for release of BGs withheld as per above referred letter dated 15.12.2021.

3. The Bank Guarantees retained as per WPF Wing letter No. 1000/04/2021/WR dated 01.11.2021 should continue to be retained.

This issues with the approval of competent authority.

R. Sathish Kumar
Director(LFP-II)
Tel. 23036232

Encl:- As above.

Copy to:-

The Chief Regulatory and Corporate Affairs Officer, Vodafone Idea Limited, 7th Floor, Konnectus Tower 2, Bhavbhuti Marg, Opposite New Delhi Railway Station(Ajmeri Gate Side), New Delhi - 110002.

14-1/2016-LFP-I
Government of India
Ministry of Communications
Department of Telecommunications
(LF Policy Wing)

Dated: 23-05-2022

To

The Sr. Jt CGCA (Revenue)
O/o CGCA
NICF Campus
Ghitorni
New Delhi-110030.

Sub: Release of Bank Guarantee and refund of surplus LF of M/s GIPI.-reg.

Ref: - Your letter no. 50-1/2019-BG-Release/Gujarat dated 17.05.2022.

With reference to your above letter the following is intimated

1. The letter no. 24-1/2016-LFP-I dated 04.04.2022 may be treated as a specific authorisation in this case.
2. With regard to the procedure to be followed for refunding and head of account to be used the matter is being referred to DDG(Accounts), DOT Hq.

R. S. Jitendra
Director(LFP-II)
Tel. 23036232

Copy to:-

DDG(Accounts), DoT HQ with a request to intimate the head of account to be used for refunding surplus License fees available with CCA offices and accounting procedure to be followed to O/o CGCA. Copy of letter from O/o CGCA is enclosed. This may please be accorded priority.

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sauchar Bhavan, Ashoka Road, New Delhi 110001.

No:19-1/2019-LFP-I

Dated: .06.2022

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110047.

Subject: - Requesting for Appointment of Special Auditor-Case of M/s ESDS Internet Service Pvt. Ltd.

1. Kindly refer your office letter No. 50-2/LF Agreements/Maharashtra/ Vol-II dated 26.04.2022 on the above subject.

2. Your kind attention is drawn to clause 20.6 and 20.7 of ISP-IT license agreement. The same is reproduced below:

"20.6 The LICENSOR may, on forming an opinion that the statements or accounts submitted are inaccurate or misleading, order Audit of the accounts of the LICENSEE by appointing auditor at the cost of the LICENSEE and such auditor(s) shall have the same powers which the statutory auditors of the company enjoy under Section 227 of the Companies Act, 1956. The remuneration of the Auditors, as fixed by the LICENSOR, shall be borne by the LICENSEE.

20.7 The LICENSOR may also get conducted a 'Special Audit' of the LICENSEE company's accounts/records by "Special Auditors", the payment for which at a rate as fixed by the LICENSOR, shall be borne by the LICENSEE. This will be in the nature of auditing the audit described in para 20.5 above. The Special Auditors shall also be provided the same facility and have the same powers as of the companies; auditors as envisaged in the Companies Act, 1956".

3. It is intimated that special audit is to be carried out as per clause 20.6 and 20.7 of license agreement. Copy of Request for proposal and Terms of reference of special audit conducted by LFA wing earlier is also shared for reference to help in conducting special audit.

This issue with the approval of Competent Authority.

Encls: As above

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

o/c

24-1/2016-LFP-I
Government of India
Ministry of Communications
Department of Telecommunications
(LF Policy Wing)

Dated: 14/06/2022

To

The Sr. Jt. CGCA (Revenue)
O/o CGCA
NICF Campus
Ghitorni
New Delhi-110030.

Sub: Provisional Annual Assessment of License Fee in respect of NLD No. 10-5/06-BS-1(NLD-07) dated 11.07.2006 in respect of Tikona Infinet Private Limited for the financial year 2018-19.

Ref: Your letter no. 50-2/LF agreements/Delhi/110 dated 01.07.2021 and email dated 06.06.2022.

With reference to your letter cited above regarding aforesaid subject, the following is intimated.

1. As per existing DOT order no. 13-32/LF (ISP-IT)/2009 dated 02.07.2010, the assessment is to be carried out at the CCA where, registered office of the licensee is located.
2. Accordingly, instructions may be issued to O/o Pr. CCA, New Delhi to forward the BG along with NLD service documents to O/o Pr. CCA Mumbai for further action.

This issues with the approval of competent authority.

R. Sathish Kumar
Director(LFP-II)
Tel. 23036232

Government of India
Ministry of Communications
(Licensing, Finance Policy Wing)
Shreehar Bhawan, Ashoka Road, New Delhi.

No. 24-1/2016-1.FP-1

Dated: 15.06.2022

Subject: Adjustment of Proceeds of Bank Guaranteed encashment of M/s Unitech Wireless (Tamilnadu) Private Limited.

1. I am directed to convey the approval of Competent Authority for adjustment of Rs. 176.50 Crores available as Cash Security with different CCA offices against the dues of M/s Unitech Wireless (Tamilnadu) Private Limited.

2. The following procedure will be followed for adjustment

- i. Encashed amount of BGC pertaining to LF dues shall be adjusted against pending LF dues.
- ii. Encashed amount of BGC pertaining to SUC dues shall be adjusted against SUC dues.
- iii. Encashed BGC amount may be adjusted against LF dues by treating it as a payment.
- iv. Date of adjustment would be the date of credit of each BGC receipt into respective CCA office bank accounts.

3. In this regard a Copy of Letter from M/s Unitech Wireless (Tamilnadu) Private Limited dated 16.05.2022 containing the details of encashed Bank guarantees is attached as Annexure I to this letter. The details mentioned in above letter have been confirmed from C/o CCA and the email received from C/o CCA is also attached as Annexure II to this letter.

4. LFA wing and WPF wings are requested to take necessary action as per the procedure above.

Sushil Kumar R
Director (LFP)

To
1. DDG (LFA)
2. DDG (WPF)

pertains to Dir (LFP)

- Dir (LFA) Dir (LFA) Dir (LFA) 16/6

20/6 20/6 20/6

20/6

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No: 24-1/2021-LFP

Dated: 16-06-2022

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICE Campus,
Ghitorni,
New Delhi-110047

Sub: Regarding Procedure for rationalization of Bank Guarantees pursuant to the amendment in the License Agreement.

Ref: Letter No. 50-1/2021/BG Policy//Airtel dated 22.03.2022.

The matter has been examined in consultation with AS wing and the following is intimated.

- a) Para-7 of the AS Wing's letter no AS-25/1/2017-AS-V-Part-(1) dated 27.10.2021 (22/C) is in line with para-3 of the license amendment dated 06.10.2021 (Flagged A) which states that Bank guarantees furnished or required due to any Court order or Bank Guarantees which are subject matter of Litigation, will continue and rationalization will not be applicable for such Bank Guarantees.
- b) Para 3 of LFP wing letter No.1-9/2019-LFP-1 dated 08.10.2021(21/C) specifies what amounts shall not be included in respect of the term "other dues not otherwise securitized" while computing PBG/TBG amounts as per license amendment dated 06.10.2021. It may be noted that there is no such term "other dues not otherwise securitized" in the calculation of PBG as per license agreement. Para 3(ii) of LFP wing letter also states that issue of securitization of violation of license terms and conditions is covered under PBG prescribed under clause 21.1 of UL agreement. Hence liquidated damages mentioned in para 7 of AS wing letter are to be securitized during rationalization of PBG's.

This issues with approval of Competent Authority.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

9

Government of India
 Ministry of Communications
 (Licensing Finance Policy Wing)
 Sanchar Bhawan, Ashoka Road, New Delhi.

No:24-1/2018-LFP-1

Dated:15.06.2022

To,

Sr. Jt. CGEA (Revenue),
 Dept. of Telecom Ministry of Communications,
 NICF Campus, Ghitori, New Delhi-110047.

Subject: Issue of guideline/Instruction in case of 'NIL' AGR of NLD/ILD service providers.

Ref: Letter No. 50-4/Clarification & ruling/NIL AGR/Pt. CGA Delhi dated 22.02.2022.

With reference to your above letter the matter has been examined in consultation with CS wing and following is intimated:

- 1) There is no clause for payment of minimum license fee in NLD/ILD license agreements issued prior to UL. This will apply in the case of M/s Verizon Communication Pvt. Ltd. and M/s Equant Network Pvt. Ltd.
- 2) M/s Railtel Corporation of India Ltd. holds a UL-ILD license. As per clause 18.2.1 of UL agreement minimum license fee of 10% of entry fee from second year of the effective date of authorization is applicable.

This issue with the approval of competent authority.

Sathish Kumar R
 Sathish Kumar R
 Director (LFP-11)

1-22/2016-LFP-I/Part
Government of India
Ministry of Communications
Department of Telecommunications
(LF Policy Wing)

Dated: 17-06-2022

To,

The Sr. Jt. CGCA (Revenue)
O/o CGCA,
NICF Campus,
Chitorni
New Delhi-110047.

Sub: Applicability of Presumptive AGR on LF assessment of M/s RJIL.

Ref: O/o CGCA, New Delhi email dated 09.06.2022.

With reference to your e-mail dated 09.06.2022 regarding aforesaid subject, this is to intimate that O/o CCA Madhya Pradesh had sought clarification on the applicability of Presumptive AGR for LF purpose on M/s RJIL and reply was provided vide letter no. 1-22/2016-LFP-I/Part dated 12.05.2022. Copy of the letter is enclosed. It is requested to intimate all CCA offices the present status. Further updates will be provided once a decision is taken on the matter.

This issues with the approval of competent authority.

Encl: As above.


Sathish Kumar R
Director (LFP-II)

1-35/2022-LFP-II

1/3046986/2022

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No. 1-35/2022-LFP-II

Dated: 23.06.2022

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110047.

Sub: Clarification on minimum license fee for 2nd Hub of M/s Bombay Stock Exchange Ltd- reg

Ref: 50-4/2018-clarification & Ruling/Pr. CCA Mumbai/KW/4 dated 07.04.2022

With reference to your above letter, it is intimated that the matter was examined in consultation with Satellite wing. Accordingly, the below procedure may be followed during assessment of the above license

1.The license fee for 2nd hub is to be charged as per DoT order no. 204-I/96-PHC dated 29.08.97 (Copy enclosed) till 08.04.2021.

2.The Captive VSAT license agreement has been subsequently amended w.e.f 09.04.2021(copy enclosed) based on TRAI recommendations dated 18.07.2017 and the amendment may be applied for assessment from 09.04.2021.

This issue with the approval of competent authority.

Signed by Sathish Kumar R
Date: 23-06-2022 11:33:18
Sathish Kumar R
Director (LFP-II)

Encl: As Above

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanjiv Bhayan, Ashoka Road, New Delhi 110001

No: 24-1/2016/LFP-1

Dated: 13.07.2022

To:

Sr. Lt. CGCA (revenue)
O/o CGCA, NIGR Campus,
Ghitorni,
New Delhi-110047.

Sub: Release of Bank Guarantees of M/s Hughes Communications India Pvt. Ltd.-reg

Ref: 50-1/Release of BG of Migrated licenses/2022-23.

With reference to your above letter the following is intimated

1. It is seen from the licensee's letter (enclosed with the above referred letter) that they have migrated from ISP-IT to UL-ISP authorisation from 01/08/2014.

2. Accordingly, PBG of old ISP IT license may be released in terms of DOT order no 24-1/2016/LFP-1 dated 14.09.2016 (Copy enclosed)

3. In case of PBG for ISP-IT and UL-ISP license, dues calculation may be done in the following manner:

a) For ISP-IT license, revenue from pure internet services is allowed as a deduction as per license agreement till date of migration to UL. O/o P. CGCA Delhi may be instructed to calculate dues accordingly.

b) From date of migration to UL-ISP, revenue from pure internet services is not allowed as a deduction as per license agreement. However, this is subject to outcome of CA 220/2021 pending in Hon'ble SC.

4. For UL-ISP license, PBG requirement may be calculated as per latest license agreement amendment issued in Oct 2021 and LFP wing order no 1-9/2019-LFP-1 dated 08.10.2021.

Encl: As above.

R. Sathish Kumar
Sathish Kumar
Director (LFP-1)

1-35/2016-LP(Pt-I)
Government of India
Ministry of Communications
Department of Telecommunications
(LP Policy Wing)

Dated: 13.07.2022.

To,
Sr. Jr. CGCA (Revenue)
O/o CGCA
NICF Campus,
New Delhi-110047.

Sub: Issue of guideline/clarification in respect of deduction claimed by ISP under the head of "Revenue from Pure Internet Service"- reg.

Ref: 50-1/2019-BG Release/Gujrat/53 dated 10.05.2022.

With reference to your above letter, it is intimated that the competent authority has desired that consultation with all CCA offices be done and feedback obtained as to what items of revenue are claimed by the licensees under the term "Revenue from Pure Internet Services".

Accordingly, you are requested to take inputs from all Pr.CCA/CCA offices as to what items of revenue are usually claimed by Licensees under the term "Revenue from Pure Internet Services".

The consolidated inputs may be submitted by 21.07.2022.

Encl: As above.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

Copy to:

DDG(LFA) with a request to provide inputs on above issue

o/c

(31)

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001.

Y

No: 12-10/2021-LFP-I (Part-I)

Dated: 14.07.2022

Sub: Moratorium scheme to TSPs for all dues not tabulated in the Hon'ble Supreme Court order in the Adjusted Gross Revenue (AGR) matter regarding.

I am directed to convey the following on the above subject matter:

1. With the approval of competent authority, all TSP's were given a one-time opportunity to opt for deferment of AGR-related dues up to financial year 2018-19 and not tabulated in the Hon'ble Supreme Court order dated 1.9.2020. Interest at 8% p.a., at par with the dues finalized in the Hon'ble SC judgement dated 1.09.2020, however, will be applied so that NPV of the payable amount is protected.

2. The following TSPS's have opted for the above moratorium

Sl. No	TSP Name
1	Bharti Airtel Ltd. (BAL)
2	Bharti Hexacom Limited (BHL)
3	Vodafone Idea Ltd. (VIL)
4	Tata Tele Service Ltd. (TTSL)
5	Tata Teleservices (Maharashtra) Ltd. (TTML)
6	Quadrant Televentures Ltd.

3. Detailed breakup of the dues (Circle wise/Financial year wise) covered under the moratorium may be provided at the earliest by LFA and WPF wings to O/o CGCA and TSP's listed above. This will enable Pr.CCA/CCA offices to take necessary action to dispose representations received from TSPs pertaining to deduction verification, license fee and SUC assessments for the period covered in above moratorium option.

R. Sathish Kumar R
Sathish Kumar R
Director (LFP-II)

14/7/22

1. DDG (LFA)

2. DDG (WPF)

6:55 pm
13.07.22

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001.

No: 12-40/2021-LFP-I (Part-I)

Dated: 18.07.2022

To,
Sr. J. CGCA (revenue)
O/o CGCA, NICF Campus,
Chitorni, New Delhi-110047.

Sub: Details of Moratorium scheme to TSPs for all dues not tabulated in the Hon'ble Supreme Court order in the Adjusted Gross Revenue (AGR) matter regarding.

I am directed to convey the following on the above subject matter;

1. With the approval of competent authority, all TSP's were given a one-time opportunity to opt for deferment of AGR-related dues up to financial year 2018-19 and not tabulated in the Hon'ble Supreme Court order dated 1.9.2020. Interest at 8% p.a., at par with the dues finalized in the Hon'ble SC judgement dated 1.09.2020, however, will be applied so that NPV of the payable amount is protected. Since the Hon'ble Supreme Court had allowed payment to be made in yearly instalments over ten years from 01.4.2021 to 31.3.2031 payable by 31st March of every succeeding financial year, the balance revised amounts of instalments will be paid in six yearly instalments from 01.04.2025 to 31.03.2031 with first payment payable by 31.03.2026.

2. The dues for the said period are subject to change on account of following:

- Disposal of representations received from TSPs pertaining to deduction verification, license fee and SUC assessments
- Additional demands on account of Special Audit/CAG Audit
- Outcome of pending litigation

3. The following TSPs have opted for the above moratorium

Sl. No	TSP Name
1	Bharti Airtel Ltd. (BAL)
2	Bharti Hexacom Limited (BHL)
3	Vodafone Idea Ltd. (VIL)
4	Tata Tele Service Ltd. (TTSL)
5	Tata Teleservices (Maharashtra) Ltd. (TTML)
6	Quadrant Televentures Ltd.

4. Detailed breakup of the dues covered under the moratorium will be provided by LFA wing and WIP wing to O/o CGCA.

5. On receipt of breakup of dues, all Tr.CCA/CCA offices may be intimated to take necessary action to dispose representations received from TSPs pertaining to deduction verification, license fee and SUC assessments for the period covered in above moratorium option.

Satish Kumar R.
Director (LFP-II)

Copy to :

1. DDG (LFA)/DDG (WIP)

/3052112/2022

1-9/2022-LFP

29 29

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No:1-5/2021-LFP-I

Dated: 25.07.2022

To,

Jt.CCA(Revenue)
O/o Pr.CCA Telengana,
Kavadiguda Telephone exchange compound,
Bholakpur, Hyderabad-500080

Sub: Clarification on effective date of license - Case of M/s VOIP Office
Telecommunications Pvt. Ltd.

Ref:Pr.CCA/TS/Revenue Section/VOIP/18-19 dated 28/06/2022

With reference to your office letter referred above, it is intimated that the matter was consulted with DS wing and matter is clarified as below

- i. All the existing ISP-category "C" Authorizations granted under Unified License No. 821-253/2014-DS dated 24.03.2015 shall stand cancelled from date of signing of this category-"A" ISP Authorization under Unified License.
- ii. Assessment is to be done as UL ISP Category C authorization from 24.3.2015 to 18.8.2016.
- iii. Assessment is to be done as UL ISP Category A authorization from 19.8.2016.
- iv. In case no dues exist for the UL ISP Category C license and sufficient quantum of Bank Guarantees as per latest amendments to License agreements are maintained by the licensee for UL ISP category A authorization, the Bank Guarantees pertaining to UL ISP Category C authorization may be returned to the licensee.

Signed by Sathish Kumar R
Date: 25-07-2022 15:58:21
Sathish Kumar R
Director (LFP-II)

Copy to:

Sr. Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110047.

(27) 231

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No:12-3/2020/LFP-I

Dated: 26.07.2022

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110047.

Sub: Release of Performance Bank Guarantees ("PBGs") submitted by M/s. Tata Teleservices Limited ("TTSL") under its UAS Licenses for Delhi Metro, Gujarat, Karnataka and Tamil Nadu LSAs. -reg

Ref: 50-1/BG Release/2021/TTSL dated 31.05.2022.

With reference to your above letter the following is intimated:

i. As per AS Wing, Rs.44.45 crores, the amount under litigation, is to be securitised while releasing the PBG's.

ii. Rest of the PBG's may be released as per DOT letter No 24-1/2016/LFP-I dated 14.09.2016.

iii. With regard to the unsecuritised LF and SUC dues intimated in your above referred letter, it is intimated that TTSL in its letter dated 21/06/2022(copy given to O/o CGCA also) has stated that representations are pending against these demands. Hence these demands may be examined in light of DOT instructions in letter no 1-9/2019-LFP-I dated 08.10.2021 for inclusion in FBG calculation. Besides, TTSL has availed the option of moratorium for AGR dues up to FY 2018-19 not tabulated in the Hon'ble SC judgment in AGR case and the same has also been communicated to O/o CGCA vide letter No 12-40/2021-LFP-I(Part-I) dated 18-07-2022.

R. Sathish Kumar R
Sathish Kumar R
Director (LFP-II)

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No:24-1/2016/LFP-I (pt-II)

Dated: 26.07.2022.

To,
O/o CCA Rajasthan,
Sanchar Lekha Bhawan,
Jhalana Doongari Institutional Area,
Jaipur-302004.

Sub: Issue of guideline/clarification on the revenue generated from Telecom activities prior to issuance of license-reg.

Ref: 50-4/2019-Clarification & Rulings/CCA Rajasthan dated: 01.07.2022.

With reference to above letter forwarded by O/o CCA, I am directed to inform the following

- 1) Note# 18 enclosed with audited financial statements, shows Rs. 1,32,30,578 under 'Internet Service' for the financial year 2016-17. However, in the explanation below there is no entry against the 'Internet Service' head for 2016-17. The total breakup for Rs. 1,32,30,578 is also not available in table below note for FY 2016-17.
- 2) The issue of whether the revenue shown under "Internet Services" for FY 2016-17 is from offering services which require a license can be concluded only on getting further details from the licensee.
- 3) Accordingly, O/o CCA Rajasthan is instructed to hold a meeting (physical/online) with the licensee within 30 days and ascertain the details.


Sushil Kumar R
Director (LFP-II)

Copy to:
S. J. CCA (Revenue)
O/o CCA, NIO Campus,
Ghitorni,
New Delhi-110047.

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi-110001

No: LFP-10/01/2022-LFP-II

Dated: 05.08.2022

To,
Sr. Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Chlorine,
New Delhi-110047.

Subject: Renewal/Invocation of Performance Bank Guarantees in respect of M/s Nextgen Communications Limited Reg.

Ref: O/o Pr. CCA Delhi Letter No. 1-9/CCA/Delhi/Nextgen/BG/2019 dated 24/06/2022

With reference to above letter the following is intimated

i) The licensee falls under the category of ISP license issued under 1998 guidelines. The license has expired on 11.02.2014 as per DS wing U No. 821-93/2014-DS dated 20.03.2020. These ISP licenses were not required to pay any license fee till Nov 2003. From November 2003 a token license fee of Rs. 1 Per annum was payable.

ii) Point 12 and 18 of DOT letter No 24-1/2016/LFP dated 01.06.2016 dated may also be seen. Extract of the letter is reproduced below.

"12. FBG for pure ISPs: Since, as of now, there is no AGR definition is available on the basis of which licensee fee demand could be ascertained, therefore the question of FBG may not arise in cases of pure ISPs.

18. Applicability of Uniform license fee on the Pure ISPs: It is a fact that the para 2 of the letter dated 29.06.2012 of the DoT on the application of uniform license fee had been struck down by the TDSAT. The decision of the TDSAT had been accepted by the department and accordingly the DoT headquarter is in the process of taking a final decision on the applicability of Uniform Licensee fee on the Pure ISPs. However, till the time of final decision in the matter, the status quo may be maintained by the O/o CCA regarding the calculation of license fee for the pure ISPs."

It can be concluded from above that the license was not required to pay any AGR based LF until expiry on 11.02.2014.

iii) The matter of deduction of revenue from Pure Internet Services is not applicable to pure ISP licensees as AGR based license fees is not applicable on them.

iv) Necessary action may be taken on priority to release the PBG of the licensee after ensuring no dues.

v) Further review of all pending cases of release of Performance Bank guarantees of Pure ISPs whose license has expired may also be done immediately.

R. Sathish Kumar
Sathish Kumar R.
Director (LFP-II)

Copy to:

O/o Principal Controller of Communication Accounts, Delhi

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No: 1-35/2016-LF(P1-1)

Dated: 25.08.2022.

To.

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Clarification regarding extension of due of payment of LF/SUC for Q4 of FY 2020-21.
Ref: Letter No 50-4/Clarification&Rulings/Pr.CCA Delhi/Fusionnet Web

With reference to your above letter the following is intimated

- 1.No order regarding extension of due date of payment for FY 2020-21 has been issued by DOT.
2. In the present case, it is seen that the licensee has taken a Demand Draft on 29.05.2021 and deposited the same to O/o Pr.CCA Delhi on 31.05.2021. The licensee has mentioned in his representation that 30.05.2021 being a Sunday the demand draft could be submitted to O/o Pr.CCA Delhi on 31.05.2021 only. It may be noted that the licensee has an option to make the payment online through SARAS portal and these payments can be made on holidays also. Documents could have very well been submitted by email within due date or next working day in the office and has no linkage to penalty calculation. Since the licensee has opted for the option of making payment through demand draft no relaxation can be considered.
- 3.It is also requested to instruct all CCA offices to educate all decentralised licensees about the electronic payment options available in SARAS to avoid such representations in future.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No:24-1/2016/LFP-1

Dated:25.08.2022.

Sub: Forwarding of Bank guarantees before signing of license agreements -reg.

Please find enclosed Letter No 50-1/BG-Release/LOI/2022-23 dated 5/6/2022 from O/o CGCA in which they have requested that LSAs and other authorities signing license agreements may be instructed to send the bank guarantees to Concerned CCA offices only after the license agreement is signed and not at LOI stage.

You are requested to ensure the same and instruct all concerned accordingly.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

To,
1.DDG(AS)
2.DDG(CS)
3.DDG(DS)
4. WA

(1) examine.

Copy to:

Sr. J. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Uman
26/8/22

DIR D/S - III

Pl. put up if required draft letter to LSAs.

ADP (IS) - J.P. Dey
29/8/22

Air LPS-III

Dey
30/8/22

Dir (LFP)

Letter has already been issued to DGT/LSAs on 22.2.22 (encl) wherein the applicant has to bring corrected physical B4 on date of signing itself. Hence the B4s can be forwarded only after signing of license agreement.

(Dey)
29/8/22

Government of India
Ministry of Communications
Department of Telecommunications
(Licensing Finance Policy Wing)

No. 1-9/2019-LFP-I)Part-I

Dated: 25.08.2022.

To.

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: - Issue of guideline/clarification for Rationalisation of Bank Guarantees.

Ref: 50-1/2022/Decentralized/Clarification/Rationalization of BGs/2022 dated 18.08.2022.

With reference to your above letter seeking clarification on rationalisation of bank Guarantees of decentralised licensees the following is intimated

1. Para 3 of DOT OM No.1-9/2019-LFP-I dated 08.10.2021 states the following

"3.Regarding calculation of Bank Guarantee requirements in respect of the term "other dues not otherwise securitized", following amount shall not be included while computing of PBG/FBG amounts:

(i). AGR Dues determined as payable by the Hon'ble Supreme Court Judgement dated 1.9.2020;

(ii) License Fee and SUC dues for prior and current periods, not included in Hon'ble Supreme Court judgment which are the subject of dispute/litigation of assessments/wherein TSPs have submitted representations which are pending. In these cases, the demands will become due (payable) on settlement of outstanding issues;

(iii). CAF and EMF penalties (violations of license) and demands of Liquidated Damages. The issues of securitization for violation of license terms and conditions is covered under PBG prescribed under clause 21.1 of UL Agreement."

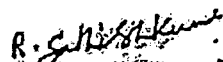
2. The legal dispute regarding matter of inclusion of revenue from Pure internet services is covered under the scope of para 3(ii) of above order dated 08.10.2021 and these dues are not to be included while computing FBG amounts for rationalisation purposes.

3. Further it may be noted that CA 220/2021 pending in the Hon'ble Supreme Court is related to inclusion of revenue from pure internet services in AGR for all UL ISP licensees and ISP licensees which have migrated to UL regime. For ISP IT licensees, Revenue from pure internet service is allowed as a deduction as per the license agreement till amendment dated 31.03.2021 was issued. The amendment removed Revenue from Pure internet services as a deduction for these licensees with effect from 31.03.2021.

✓

4. In case of cable TV revenue and Other income, in case the dues are subject of litigation or representation of the licensee on the demand notice is pending then the same will be covered under the scope of para 3(ii) of above order dated 08.10.2021.

This issues with approval of Competent Authority.


R. Sathish Kumar R.
Director (LFP-II)

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No:24-1/2016/LFP-1

Dated 25.08.2022.

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Release of BG on expiry of LoI (Letter of Intent)-reg.

Ref: Letter No 50-1/BG-Release/LOI/2022-23 dated 5/6/2022.

With reference to your above letter, the following modification may be made in the proposed procedure of release of Bank guarantees in cases where LoI has expired.

(i) As License agreement has not been signed in these cases it would not be proper to link the release of the Bank guarantees submitted for dues of any other license held by the same company. For non-payment of dues of other licenses of same company, necessary action is to be taken as per those license agreements.

(ii) Necessary action may also be taken to release the Bank Guarantees of these cases expeditiously.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

LFP-10/03/2022-LFP-II

173056823/2022

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No:LFP-10/03/2022-LFP-II

Dated: 26.08.2022.

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Inclusion of revenue from PM WANI registration in AGR – C/o of M/s Falconet Internet Pvt. Ltd.

Ref: 50-2/Clarification/CCA Haryana Circle dated 08.08.2022

With reference to your above letter, the matter was consulted with DS wing and the following is intimated:

The revenue earned by the licensee under PM WANI registration would fall under revenue earned from telecom services and will be included in AGR.

This issues with approval of competent authority

Signed by Sathish Kumar R
Date: 26-08-2022 09:27:32
Sathish Kumar R
Director (LFP-II)

✓
Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No:24-1/2016/LFP-I(pt-II)

Dated: 28.09.2022.

Sub: Clarification in respect of assessment of UL-VNO authorizations-regarding

Ref: 24-1/2016/LFP-I dated 30.09.2021.

The following modification is made in respect of order No.24-1/2016/LFP-I dated 30.09.2021 related to assessment of UL VNO authorisations

(i) The assessment of licensees who have UL Access Service authorisation and whose assessment is done by LFA wing of DOT Hq will be continue to be assessed by LFA wing in case they have UL VNO Access service authorisation also.

(ii) In all other cases assessment of UL VNO Access Service authorisations shall take place at the particular CCA under whose jurisdiction the registered office of the company falls irrespective of service area of operation of the license. All the FBG(s) in such cases will be maintained under the same CCA office.

(iii) LFA wing and O/o CGCA shall take necessary action to transfer the records and bank guarantees to concerned CCA offices in such cases.

This issues with the approval of competent authority.

To,
1. CGCA
2. All PrCsCA./CsCA
3. DDG LFA/DDG WPF
4. VNOAI, COAI, ISPAI, ACTO

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

1/3059155/2022

1-35/2022-LFP-II

(15) 15

Government of India
Ministry of Communications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi.

No: 1-35/2022-LFP-II

Dated: 09.09.2022.

To,
Sr. Jt. CGCA (Revenue)
NICF Campus,
Ghitorni, M.G. Road
New Delhi-110030.

Subject: Issue of clarification on the type of licenses which are authorised to operate as NSO -reg

Ref: O/o CGCA letter No 50-4/Clarification Ruling/CCA UK dated 19.07.2022

With reference to your above letter the matter was consulted with ASwing and it is intimated that all UL/UASL/ Standalone licensees (licenses issued prior to UL for ISP, NLD, ILD, etc.) issued under Section 4 of Indian Telegraph Act, 1885 are eligible to provide NSO services.

Signed by Sathish Kumar R

Date: 09-09-2022 09:25:55

Sathish Kumar R

Director (LFP-II)

LFP-10/08/2022-LFP-II

1/3059276/2022

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No: LFP-10/08/2022-LFP-II

Date: 09.09.2022.

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Release of Bank Guarantee of expired ISP of M/s Shyam Internet services Ltd.

Ref: Email dated 05.08.2022.

1. From the copy of the license agreement received from O/o CCA Rajasthan, it is observed that the licensee holds a ISP B category license. The license agreement says that a nominal license fee of one rupee per annum will become payable from 01.11.2003.

2. Further DS wing in their letter dated No: 820-01/2015(Expiry) dated 27/08/2021 have already communicated to O/o CGCA that the license has expired on 17-12-2018.

3. Accordingly the following action may be immediately taken

(i) O/o CCA Rajasthan may be instructed to recalculate the dues as only license fee of Rs.1 per Annum is payable by the licensee from 1.11.2003 and the excess paid license fees is to be refunded to the licensee. Accounting procedure for refund of surplus license fee has already been communicated to O/o CGCA on 09.06.2022.

(ii) O/o CGCA may take necessary action to release PBG after ensuring no dues.

Signed by Sathish Kumar R
Date: 09-09-2022 16:45:06
Sathish Kumar R
Director (LFP-II)

LFP-10/05/2022-LFP-II

1/3 3845/2022

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No. LFP-10/05/2022-LFP-II

Dated:

13.09.2022

To

The Sr. Jt. CGCA (Revenue)
O/o CGCA,
T.E Building
Karol Bagh, New Delhi-110005.

Sub: Case of Assessment of Decentralised licenses- Regarding

Ref: Your office letter No.50-2/23/2019/LF Misc dated 24.06.2022

With reference to your above letter the following is intimated

a. All Pr CGCA/CCA offices may be instructed to clearly communicate the DVR SOP to all decentralised licensees by email/letter and during telecom resolution meetings so that they are aware of the timelines for submission of documents supporting deductions.

b: The SOP for DVR issued in May 2022. In case of delayed submission of document by UL VNO licensees for deductions claimed up to FY 2021-22 and 1st Quarter of FY 2022-23, based on grounds of delayed submission and given that SOP has been issued in May 2022, decision on case to case basis, on the merit of the case, may be taken by concerned Pr.CCA/CCA office.

c. The letter also mentions about TDSAT judgment dated 14-10-2019 in TP 169/2014 which is related to exclusion of revenue from pure internet services from AGR and not linked to the matter of UL VNO licensees. In case of UL ISP licensees, while they can claim deductions on revenue from pure internet services citing the TDSAT judgment in TP 169/2014, they cannot cite the judgment for non submission of documents/audited AGR/audited accounts. In such cases O/o CCA Haryana may be instructed to write to concerned licensing wing of DOT proposing issue show cause notice citing violation of license conditions.

This issues with the approval of Competent Authority

Signed by Sathish Kumar R

Date: 13-09-2022 18:57:12

Sathish Kumar R

Director(LFP-II)

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No. 1-2/2019/LFP

Dated: 15-09-2022.

To

The Sr. Jt. CGCA (Revenue)
O/o, CGCA,
T.E Building
Karol Bagh, New Delhi-110005.

Sub: Assessment of UL ISP licensees who are claiming deductions on Pure internet services –
Reg

1. The Hon'ble TDSAT vide judgment dated 18th October 2019 in TP No. 169/2014, 108/2017, 87/2017, 195/2018, 94/2017, 119/2017, 200/2018 has inter alia ordered that "As a result the decision to include revenue from pure internet services for levy of license fee on the ISPs under Unified Licence regime is set aside on the grounds already considered and decided in favour of the petitioners. Accordingly, the impugned demands of license fee are set aside with a direction to raise revised demand for license fee on the basis of the same concept of AGR as is being done in respect of ISPs holding licenses under the old regime."

2. Department has already challenged the aforesaid judgment of Hon'ble TDSAT dated 18th October 2019 before Hon'ble Supreme Court through CA No. 220/2021 [Union of India vs ISPAI]

3. Hon'ble Supreme court in its order dated 5/1/2021 in CA No.220/2021 has given the following directions.

"In the meantime, we issue the following directions:

- (i) The appellant shall not be required to refund any amounts in pursuance of the impugned order of the TDSAT dated 18 October 2019; and*
- (ii) The respondents shall, in the event the appeal succeeds, be subject to such final directions as may be passed by the court in its judgment"*

4. It is intimated that TDSAT in its order dated 24.12.2021 in T.P. no. 55/2021 has delivered the following:

"This Tribunal is of the considered view that the judgment in TP No. 169 of 2014 to which ISP Association of India was a party, is a judgment settling the law with respect to particular license and its terms and conditions and the same must be treated as a judgment in rem to cover similar case where the licensee holds similar license wherein revenue from Pure Internet Services has been directed to be deducted under orders of this Tribunal. Membership of a particular Association is not a relevant material for application of the said judgment to the other similar licensees who were represented by the Association in TP No. 169 of 2014. Even a non-member licensee will be entitled to the benefit of the said judgment after scrutiny of other relevant materials.

With this clarification, which is necessary to prevent multiplicity of litigation, this petition is disposed of."

5. O/o GGCA and many CCA offices have sought directions regarding raising the demand for UL ISP licenses in view of the TDSAT order referred in para 1.

6. The matter has been examined and it has been decided that LF assessment for all UL ISP licenses will be carried out in the following manner for licensees claiming deduction of revenue from Pure Internet Services

Demand notice for UL ISP licensees will be made into two parts

I. Part A – The LF dues will be calculated by allowing the deductions claimed on revenue from pure internet services and the same will become payable.

II. Part B – The LF dues will be calculated by disallowing the deductions claimed on revenue from pure internet services. Realization of this demand is subject to the outcome of CA No. 220/2021 pending in Hon'ble Supreme court.

7. Further the assessment orders shall also mention that Hon'ble Supreme court in its order dated 5/1/2021 in CA No. 220/2021 has stated that "The respondents shall, in the event the appeal succeeds, be subject to such final directions as may be passed by the court in its judgment". Copy of the order shall also be enclosed with the assessment order.

(12)

8. All Pr. CCA/CCA offices may be instructed to follow the above instructions and issue assessment orders of UL ISP category licensees accordingly.

This issues with the approval of Competent Authority.

R. Sathish Kumar
Director (LFP-II)
Sathish Kumar R

Copy to:-

- 1. DDG (LFA).

50-2/Clarification/Tamil Nadu Circle

688394/2022/Revenue

1/3061568/2022

Government of India
Ministry of Communications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi.

No: LFP-10/11/2022-LFP-II
15.09.2022.

Dated:

To,
 Sr. Jt. CGCA (Revenue)
 NICF Campus,
 Ghitorni, M.G. Road
 New Delhi-110030.

Subject: Clarifications awaited from DoT on issues related to LF
Assessment-reg

Ref: O/o CGCA letter No 50-2/Clarification /Tamilnadu Circle dated
 02.09.2022

With reference to your above letter, the following is intimated

a. Levy of LF on Revenue Earned from Pure Internet Service.

The procedure to be followed in case of assessment of UL ISP licenses until final judgment is received in CA 220/2021 has been issued separately.

b. Levy of LF on Revenue Earned from Non-Telecom Activities.

LF wing has already issued order no 31-01/2013-LF I dated 09-05-2013 in which it has been clarified that all non-telecom revenue is included in AGR. The order also clearly states that it supersedes any orders issued earlier on the subject. The same has been reiterated vide order no 24-1/2016/LFP-I dated 01.06.2016. The same has been upheld by the Hon'ble Supreme Court in the judgment dated 24.10.2019 in CA NOS.6328-6399 OF 2015. Assessments are to be done accordingly.

c. Refund of excess amount of LF paid by the licensee after the release of Bank Guarantees.

On this matter, a separate clarification is being issued as similar queries are being received from multiple CCA offices.

d. Amalgamation of M/s Limras Eronet Broadband Service Pvt. Ltd. With M/s Blue Lotus Support Service Pvt. Ltd.

The matter has been taken up with the DS wing to provide a reply to the query at the earliest.

e. Treatment of terminated licensees whose bank guarantees have been encashed.

A report from O/o CGCA on the subject of "Recovery of Outstanding Dues of

50-2/Classification 2022 INPd Circle

688394/2022/Revenue

I/3061568/2022

Decentralised licensees" has been received on 12/9/2022 and the same is being examined. Instructions on this matter will be provided in due course

This issues with the approval of the competent authority

Sathish Kumar R
Director(LFP II)

LFP-10/12/2022-LFP-II

1/3061216/2022

Government of India
Ministry of Communications
Department of Telecommunication
(Licensing Finance Policy Wing)
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No:LFP-10/12/2022-LFP-II
22.09.2022

Dated:

To,

Sr. Jt. CGCA (revenue)
O/o CGCA, NICE Campus,
Ghitorni,
New Delhi-110030.

Subject: Clarification of applicability of Minimum License fee under ISP-IT guidelines 2007 to the licenses (ISP-IT) issued in the year 2002-03-reg

Ref: 50-4/2018-Clarification & Rulings /CCA Maharashtra dated 15.09.2022.

With reference to your above letter the matter was consulted with DS wing and they have intimated the following

"As per available record M/s BT Global Communications India Pvt. Ltd. was issued old ISP License No. 820-666/2002-LR, Dated dated 05.02.2003 w.e.f. 20.12.2002 for category "A" All-India Service area for validity period of 15 years. The company has not migrated to 2007 Guidelines.

Subsequently, M/s BT Global Communications India Pvt. Ltd. was also issued ISP category A, Authorization under Unified License (VNO) No. DS-11/83/2017-DS-III, Dated 12.02.2018 for service area All India for validity period of 10 years."

In view of the above, assessment is to be carried out as per terms and conditions of the license agreement of the licensee.

Signed by Sathish Kumar R
Date: 22-09-2022 12:03:19
Sathish Kumar R
Director (LFP-II)

50-2/Clarification/2022-LFP-Tamil Nadu Circle

688434/2022/Revenue
I/3061569/2022

**Government of India
Ministry of Communications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi.

No: LFP-10/11/2022-LFP-II

Dated: 23.09.2022

To,
Sr. Jt. CGCA (Revenue)
NICF Campus,
Ghitorni, M.G. Road
New Delhi-110030.

Subject: Refund of Surplus LF after receipt of No dues/release of Bank Guarantees

Ref: O/o CGCA letter No 50-2/Clarification /Tamilnadu Circle dated 02.09.2022

With reference to para 4 of the letter referred above the following is intimated

(i) In cases of expiry/surrender/termination of the license, wherever surplus License fees has been determined after the completion of no dues process by O/o CGCA, the same is to be refunded to the licensee. The accounting procedure for the same has been clarified to O/o CGCA vide 40-6/TA-II/Monthly A/cs/2022-23 vide letter No. dated 09/06/2022.

(ii) As clarifications on this issue are being sought by many Pr.CCA/ CCA offices, it is requested that the above instructions may be communicated to all offices.

This issues with the approval of the competent authority.

**Sathish Kumar R
Director(LFP-II)**

31-2/2015-LFP

1/3062062/2022

✓

**Government of India
Department of Telecommunications
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi.**

No. 31-2/2015-LFP

Date: 27/09/2022

To
CGCA
All Pr. CCAs/CCAs

Sub: Regarding action to be taken for violation of Financial conditions of license agreement

In view of the decision of government to rationalize bank guarantees in Sept 2021, the Operating CCAs & Bank Guarantee Management Offices are required to take following action to ensure timely payment of LF and SUC dues by of the licensee as per license agreement

(i) Ensure that licensees are intimated of the provisions of license agreement regarding payment and submission of prescribed documents well in advance during Telecom Resolution meets. Licensees are also to be intimated by email/SMS before the due dates.

(ii) In case of non-receipt of payment by the due date prescribed in the license agreement, the licensee shall be immediately intimated of his default and instructions be issued to make payment within 7 days failing which necessary action shall be taken to encash Financial Bank Guarantee.

(iii) In case the licensee does not comply with the instructions, further process as prescribed in the license agreement including encashment of Performance Bank Guarantee and recommendation to the licensing wing for issue of show cause notice to the licensee for violation of license conditions, shall be completed by the assessing authority within 60 days of the due date of payment of the particular quarter.

This issues with approval of Competent Authority

Signed by Sathish Kumar R
Date: 27-09-2022 17:23:56
Sathish Kumar R
Director (LFP-II)

Copy to:
PPS to Member(F)
PPS to Advisor(F)
DDG(LFA)/DDG(WPF)

LFP-10/16/2022-LFP-II

1/202218, 2022

46

30

Government of India
Department of Telecommunications
(Licensing Finance Policy Wing)
Sanchar Bhawan, Ashoka Road, New Delhi.

No: LFP-10/16/2022-LFP-II

Date: 28.09.2022

To,
Sr. Jt. CGCA (Revenue)
NIOF Campus,
Ghitorni, M.G. Road,
New Delhi-110030.

Subject: Regarding Release of Bank Guarantee- Case of M/s Kanpur Fertilisers and Chemicals Ltd-reg

Ref: O/o CGCA letter No 50-1/CMRTS/Kanpur Fertilizers Chemical Ltd/2022-23 dated 27.09.2022

With reference to your above letter the following is intimated

1. License fees paid in advance at the time of signing license agreement is normally adjusted against the dues during assessment process. If during assessment for a financial year, it is determined that license fees paid is in surplus, the surplus amount will be carried forward until the same is adjusted. This has already been permitted as per LFP wing order 1-9/2019-LFP-I dated 09.10.2019.
2. In case surplus license fee is existing even after adjustment of all dues then the same is to be refunded to the licensee. The procedure for same has been already been communicated vide letter No LFP-10/11/2022-LFP-II dated 23.09.2022 and the same may be followed in this case

This issues with approval of competent authority.

Signed by Sathish Kumar R
Date: 28-09-2022 09:58:18
Sathish Kumar R
Director (LFP-II)

LFP-10/13/2022-LFP-II

1/3062267/2022

Government of India
Ministry of Communications
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No:LFP-10/13/2022-LFP-II

Date: 28.09.2022

To,

Pr.CCA Telengana,
Kavadiguda Telephone exchange compound,
Bholakpur,Hyderabad - 500080

Subject : Request for carrying out Special Audit of M/s Pioneer Elabs Ltd

Ref: Letter No Pr.CCA/LF/Pioneer/2017-18/430 dated 29/07/2022

1.With reference to your above letter, approval of the competent authority is conveyed for conducting special audit of the licensee M/s Pioneer Elabs Ltd, for FY 2015-16 to FY 2017-18 as per relevant clauses of the license agreement.

2.It may also be noted that the terms of reference of special audit and other related documents connected with the matter obtained from LFA wing has already been communicated to O/o CGCA vide letter no 19-1/2019-LFP-I dated 21.06.2020 .The same may be obtained from them.

Signed by Sathish Kumar R
Date: 28-09-2022 17:23:59
Sathish Kumar R
Director (LFP-II)

Copy To:
Sr. Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

/

**Government of India
Ministry of Communications
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi 110001**

No:24-1/2016/LFP-I (pt.-II)

Dated: 29 .09.2022.

To,
CCA Rajasthan,
Sanchar Lekha Bhawan,
Jhalana Doongari Institutional Area,
Jaipur-302004.

Sub: - Issue of guideline/clarification on the revenue generated from Telecom activities prior to issuance of license-reg.

Ref: CCA/4-8/ISP/SS Fiber/2017-18 dated 28.09.2022.

With reference to above letter in view of the submission of auditor certificate by the licensee which shows that the total revenue earned in FY 2016-17 is from non licensed activities, the Demand for license fee is to be raised only from date of signing of license agreement.

This issues with approval of competent authority

R. Satish Kumar
Satish Kumar R
Director (LFP-II)

Copy to:
Sr. Jt. CGCA (Revenue)
O/o CGCA. NICF Campus,
Ghitorni,
New Delhi-110047.

Government of India
Department of Telecommunications
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi 110001

No. 1-9/2019-LFP-I

Date: 18.10.2022

Office Memorandum

Sub: Adjustment of Surplus License Fee (LF) and Spectrum Usage Charges (SUC)

Kindly refer to the OM no 1-9/2019-LFP-I dated 09.10.2019 on the aforesaid subject.

2. The undersigned is directed to inform that

i. The Hon'ble Supreme Court has now pronounced the judgment in AGR matter on 24.10.2019, settling the questions of law involved therein.

ii. The competent authority has decided to allow surplus adjustment of LF/ SUC in the same circle/same license authorization and also across circles.

iii. The detailed Standard Operating Procedure to be followed by licensee's and assessing authorities for surplus adjustment is enclosed as Annexure- A to this OM.

This issues with the approval of competent authority.

Signed by Sathish Kumar R
Date: 18-10-2022 12:17:44
Sathish Kumar R
Director (LFP-II)

Encl: As Above

To,

1. CGCA /Pr.CCAs / CCAs
2. DDG (LFP)/DDG (LFA)/ DDG (WFF)

Copy to:

1. Sr. PPS to Secretary (T), Sr. PPS to Member (F), Sr.PPS to Advisor (F)
2. COAI/ISPAI/VNOAI

Standard Operating Procedure (SOP) for surplus adjustment in License Fee and Spectrum Usage Charges :

1. This SOP is issued for Surplus adjustment of License Fee (LF) and Spectrum Usage Charges (SUC). This SOP will come into effect from date of issue of this order i.e. any surplus arising during the assessment of FY 2021-22 or onwards shall be covered by this SOP.

2. The Term Surplus for the purpose of this SOP, would denote the amount that is paid by the licensee over & above the LF/SUC dues calculated by DOT on the basis of Adjusted Gross Revenue (AGR) finalized by Assessing authority (LFA wing or Pr.CCA /CCA offices) for a financial year.

3. All surplus for previous period shall be adjusted as per LFP OM no 1-9/2019-LFP-I dated 09.10.2019 and considering below additional criteria:

a) Surplus adjustments for the financial years and circles for which AGR dues are already finalized in Hon'ble Supreme Court order dated 1.9.2020 will not be permitted.

b) Surplus adjustments will not be permitted for licensees under insolvency proceedings.

4) Representations if any received on the method of adjustment for previous period will be dealt with on a case to case basis.

5. The following procedure will be adopted for adjustment of surplus amount in License Fee and Spectrum Usage Charges

a) Adjustment of LF surplus against LF demands and SUC surplus against SUC demands will be permitted in the same circle and also across circles. Surplus SUC amounts of access spectrum can be adjusted against MWA/MWB/E Band carrier SUC & vice-versa.

b) The surplus amount once adjusted as per this SOP shall be final and no longer be available for re-adjustment or revision. Also, the LF/SUC assessment for the Financial Year (in which surplus had arisen) is subject to revision of LF/SUC dues as per the outcome of special audit/ CAG audit. In case re-assessment due to special audit/CAG audit results in a shortfall, the dues shall be treated as fresh dues payable by the licensee along with interest, penalty and interest on penalty as applicable. In case of above reassessment resulting in additional surplus amount, such amount shall be treated as per this SOP.

Competent Authority

c) In case of centralized licensees, where LF assessment is carried out by LFA, wing DOT HQ, DDG(LFA) shall be the authority to allow License fee surplus adjustment for intra-circle as well as inter circle adjustments.

d) In case of decentralized licensees, where LF assessment is carried out by Pr.CCA/CCA offices, Pr.CCA of the concerned zone under which the CCA office falls, shall be the authority to allow License fee surplus adjustment for intra-circle as well as inter circle adjustments.

e) For cases pertaining to adjustment of Surplus SUC, Pr CCA of the concerned zone under which the CCA office falls, shall be the authority to allow intra circle SUC adjustments.

f) JICGCA (Revenue) shall be the authority to permit surplus adjustment in case of inter circle SUC adjustments.

g) A centralized MIS (in form of a sub ledger) will be maintained for reconciliation purposes and to monitor surplus adjustments. This MIS will be made available in SARAS. The indicative format of the MIS is provided in Annexure I of this SOP.

h) Surplus amount shall be adjusted against past dues of previous financial years, with date of payment of surplus amount as date of surplus. In case of adjustment for a succeeding financial year, the date of surplus amount shall be 1st April of the FY or date of surplus payment whichever is later.

Annexure I

LF Surplus Adjustment Details

										Surplus Adjustment Details				
Company name	License Authorisation	Financial year	Name of Circle	Total LF Payable as per assessment order including interest, penalty, interest on penalty	Total LF payment received against dues for FY	Whether Surplus exists after assessment Y or N	Amount of Surplus	Date of surplus can be multiple dates	Whether surplus has been adjusted (Y or N)	License Authorisation	Name of Circle	Financial year	Amount of Surplus Adjusted	Remarks

SUC Surplus Adjustment Details

										Surplus Adjustment Details					
Company name	License Authorisation	Financial year	Name of Circle	Total SUC Payable as per assessment order including interest, penalty, interest on penalty	Total SUC payment received against dues for FY	Whether Surplus exists after assessment (Y or N)	Amount of Surplus	Date of surplus can be multiple dates	Whether surplus has been adjusted (Y or N)	License Authorisation	Name of Circle	Financial year	Band in which Surplus adjusted (Access, MVA, M WB, E Band)	Amount of Surplus Adjusted	Remarks

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LFP-10/20/2022-LFP-II

I/3066139/2022

**Government of India
Ministry of Communications
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001**

No:LFP-10/20/2022-LFP-II

Date: 21.10.2022

To,
Sr. Jt. CGCA(Revenue)
O/o CGCA,
NICF Campus,
Ghitorni
New Delhi-110047.

Sub: Issue of guideline/clarification in respect of deduction claimed by ISP under the head of "Revenue from Pure Internet Services"- reg.

Ref:- 50-1/2019-BG Release/Gujrat/53 dated 10.05.2022.

With reference to your above letter the following is intimated

(i) Revenue from IP-I registration: Kindly refer to para 174 of Hon'ble Supreme Court judgment in AGR case. It is clearly been stated that revenue under IP-I registration will be included in AGR. Copy of the Judgement is enclosed.

(ii) Network Setup Charges: Matter was consulted with DS wing and it is intimated that "Network Setup charges" should be added back to AGR. Network Setup Charges is a one time charge like installation charges. It has already been clarified vide DOT letter No 13-32/LF-II(ISP-IT)2009/Part I dated 27.02.2012 that Installation charges are to be added back to AGR .

This issues with approval of Competent Authority.

Encl:- As above.

Signed by Sathish Kumar R
Date: 21-10-2022 14:11:45
Sathish Kumar R
Director (LFP-II)

Government of India
Ministry of Communications
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No:12-25/2019-LFP

Date: 10.11.2022

Subject: Clarifications for Assessment of License Fee in r/o PSUs after the Hon'ble Supreme Court Judgment dated 11.06.2020 regarding.

Reference-1: DOT letter no. 12-25/2019-LFP dated 13.07.2020 & 17.07.2020

Reference-2: O/o Pr.CCA Delhi letter no. 1-9/CCA/Revenue/PSUs/2019-20 dated 10.02.2022.

Kindly refer to letters cited under reference 1 above wherein it was instructed to withdraw the demands raised for License Fee on account of non-telecom Revenue for non-telecom PSUs (M/s PGCIL, GAIL, Oil India, DMRC, NISCI, ERNET, STPI and GIPL). In view of clarification sought by O/o Pr.CCA Delhi vide letter under reference 2, it is intimated that the assessment of these non-Telecom PSUs is to be carried out in accordance with the terms and conditions of the License Agreement, orders and directions of the Hon'ble Supreme Court in AGR case, by calculating License Fee and other applicable charges by excluding the non-telecom revenue. For the purpose of license fees assessment, the audited AGR statements, annual financial statements and reconciliation statements and other relevant documents submitted by PSUs to the assessing authorities may be duly examined.

This issues with the approval of competent authority.

R. Sathish Kumar
(Sathish Kumar R)
Director (LFP-II)

To,

1. CGCA
2. Pr.CCA Delhi
3. CCA Gujarat
4. CCA Assam

Ret

LFP-10/21/2022-LFP-II

I/3070046/2022

**Government of India
Ministry of Communications
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi.

No: LFP-10/21/2022-LFP-II
18.11.2022

Date:

To,
Sr. Jt. CGCA (Revenue)
NICF Campus,
Ghitorni, M.G. Road
New Delhi-110030.

Subject: Audit of the accounts of M/s Symbios Creations Private Ltd (SCPL),
UL (ISP C)-reg

Ref: 50-4/Clarification&Ruling/CCA NE-II/2022-23 dated 02.11.2022

I am directed to refer to your above letter and convey the*approval of competent authority for conducting special audit of accounts of M/s Symbios Creations Private Ltd (SCPL) for the financial years 2019-20 & 2020-21 as per relevant clauses of license agreement.

2.It may also be noted that the terms of reference of special audit and other related documents connected with the matter obtained from LFA wing has already been communicated to O/o CGCA vide letter no 19-1/2019-LFP-I dated 21.06.2022.

This issues with the approval of competent authority

Signed by Sathish Kumar R
Date: 18-11-2022 18:57:04
Reason: Approved
Sathish Kumar R
Director (LFP-II)

1/3079579/2023

Government of India
Ministry of Communications
Department of Telecommunications
LF Policy Wing

No: LFP-10/28/2022-LFP-II

Date:13 -01-2023

To
Additional Director General,
Directorate General of GST Intelligence,
Bangalore Zonal Unit No.112, S.P. Enclave,
Adjacent to Karnataka Bank,
K.H road, Bengaluru-560027.

Sub:-Applicability of TRAI recommendations on definition of AGR in License Agreements for provision of Internet Services to M/s Atria Convergence Technologies Limited-reg

Ref: Va/39/2020-21/DGGI/BZU/80001/2022 dated 23.12.2022

With reference to your above letter the following is intimated

- i. It may be noted that para 2 of Letter number 82001/2006-LR(Vol-II) Pt dated 29-06-2012 through which revenue from internet services was provisionally included in AGR of ISP IT licensee was struck down by Hon'ble TDSAT.
- ii. Further as per license agreement of M/s Atria Convergence Technologies Limited, Revenue from Pure Internet Services is allowed as a deduction for the purpose of arriving at Adjusted Gross Revenue till 30.03.2021. Copy of the license agreement is enclosed as Annexure I. The definition of Revenue from pure internet services may please be seen at clause 18.2 of the license agreement. Details of Revenue from Pure Internet Services is also available at item 1A in the format of statement of Revenue and License fee (appendix-II to Annexure II of license agreement).
- iii. Based on TRAI recommendation on definition of Adjusted Gross Revenue for provision of Internet Services and minimum Presumptive AGR dated 01-05-2014. DOT has amended the license agreement to remove Revenue from Pure Internet Services as a deduction from AGR w.e.f 31.3.2021. Copy of the amendment is enclosed as Annexure II to this letter.
- iv. M/s Atria Convergence Technologies Limited has also filed Telecom petition TP 28/2021 against the above amendment. TDSAT in its interim order dated 03/06/2021 has allowed the prayers of the petitioner to pay license fee after deducting Revenue from Pure Internet services and also not to be subject to any coercive action until further orders. The matter is presently sub judice. Copy of the Interim order is attached as Annexure III.
- v. It may also be noted that license fee assessment of the company is carried out in O/o Controller of Communication Accounts, Karnataka circle . If any further details regarding assessment of license fee the same may be obtained from that office .

Signed by Sathish Kumar R
Date: 13-01-2023 13:53:23
Sathish Kumar R
Director (LFP-II)

Copy to:

1. CCA Karnataka, 1st Floor, Amenity Block, CMX Compound, Palace Road, Bengaluru-560001
2. ADG (DS), DoT HQ

Uploaded in SARAS
15/02/2023

Government of India
Department of Telecommunications
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi.

No. LFP-10/29/2022-LFP-II

Date: 09.02.2023

To
CGCA
All Pr. CCAs/CCAs
DDF (LFA)/DDG (WPF)

Subject: Monitoring of Telecom licensees proceeding under liquidation/CIRP proceedings.

When pursuing realization of outstanding dues of License Fees and Spectrum related dues (SUC, Auction related dues, One Time Spectrum Charges etc.) from licensees, it is important to ensure that the dues are duly filed with the Resolution Professional/ Official Liquidator etc. in case of insolvency/ liquidation or related relevant processes. The following guidelines in addition to earlier instructions regarding pursuit of outstanding dues may be followed by all concerned offices for pursuit of outstanding dues in such cases:

- (i) All assessing authorities in DoT HQ /Field offices who are responsible for raising demands of License Fees and Spectrum related dues (SUC, Auction related dues, One Time Spectrum Charges etc.) against a licensee are required to raise all demands in a time bound manner. Regular follow up after issue of demand notices must be done by the assessing authorities who are also required to ensure timely filing of dues as per public announcements under Insolvency and Bankruptcy Code 2016 or other relevant laws/ rules.
- (ii) In case of non-payment of dues, penal action must be taken as per license agreement including but not limited to encashment of BGs, issuing show cause notice etc. without delay.
- (iii) All public announcements of commencement of Corporate insolvency resolution /liquidation process may be checked regularly in the offices concerned with resolution/liquidation. One example where such checks can be made is IBBI website (<https://ibbi.gov.in/en/public-announcement>). Registration for regular intimation may also be available and may be made use of. Regular monitoring by all Pr.CCA/CCA offices is to be done for all licensees coming under their jurisdiction.
- (iv) In case a licensee with outstanding dues is found to be in insolvency/ liquidation or related relevant process, the assessing authority may immediately file the dues with the concerned Resolution Professional/ Official Liquidator etc. within the prescribed timeline. This issues with approval of Competent Authority.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

Copy to:

- 1.PPS to Member (F)
- 2.PPS to Advisor (F)

1596

Government of India
Ministry of Communications
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No:24-1/2016/LFP-I(Pt.II)

Date: 14.03.2023

Sub: Payment of Additional License fee (LF) by ISPs due to license amendment no. 20-271/2010 AS-I (Vol.V) dated 19.05.22 & 820-01/206-LR(Vol.II) Pt-2 dated 27/05/2022-reg.

Representations have been received from multiple ISP licensees regarding payment of interest on additional LF required to be paid due to retrospective implementation of following license amendments w.e.f 01/10/2021:

(i) License amendment no 20-271/2010-AS-I(Vol-V) dated 19/05/2022

(ii) License amendment no 820-01/206-LR(Vol.II) Pt-2 dated 27/05/2022

2. The matter has been examined and it has been decided that all ISP Licensees (Pre-UL and UL), who have claimed deductions under "Charges of Pass through nature paid to other telecom service providers" in Q3 and Q4 of FY 2021-22 in the unaudited AGR statements submitted and paid LF dues within dues dates for Q3 and Q4 of FY 2021-22, may be given time up to 30-04-2023 to make payment of additional LF for Q3 and Q4 of FY 2021-22 arising due to amendment dated 19.05.2022(UL ISP) & 27.05.2022(pre-UI, ISP) having retrospective effect from 01.10.2021.

This issues with the approval of competent authority.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

To,

1. CGCA
2. All Pr.CCA /CCA
3. DDG LFA

Copy to :

ISPAI

21/3

Government of India
Ministry of Communications
Department of Telecommunications
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi-110001.

No. 1-9/2019-LFP-I(Pt.)

Date: 21.03.2023.

To,
Sr. Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110031.

Sub: Regarding FBG (LF and SUC) for half yearly review and BGs under Litigation.

Ref: Your office letter No. 50-1/Centralized BGs/Litigation BGs/VII dated 15.12.2022.

With reference to your above letter, AS division vide letter No. AS-25/1/2017-AS-V-Part-I dated 23.01.2023 has again intimated that suitable amount of bank guarantees may be retained to securitize the financial penalty in respect of TP 440/2013.

Accordingly, the bank guarantees related to TP 440/2013 not rationalized as per instructions in letter no AS-25/1/2017-AS-Part-(1) dated 27.10.2021 may continue to be retained until any further communication is received from AS division on the matter.

This issues with the approval of competent authority.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

**Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi 110001**

No: LFP-10/35/2022-LFP-II

Date: 01.05.2023

To,

Sr. Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Holding of Telecom Resolution Meets by Pr.CCA/CCA offices – regarding

During review of legal cases filed by licensees it has been noticed that many disputes are rising due to licensee being unaware of the provisions of license conditions . Accordingly the Pr.CCA/ CCA offices may be instructed to do the following activities as part of holding Telecom Resoultion meets.

(i) In some cases the licensees are unaware of internal appellate mechanism available in DoT and challenge the demand notices/assessment orders directly in TDSAT .It may be ensured that all licensees are made aware of the appellate mechanism available and demand notices issued may also clearly mention the same.

(ii) Many licensees are also not aware of the procedure for surrender of license and the details of the documents to be submitted for the same .This results in surrender application not reaching the licensing wings in time or reaching with incomplete documentation and leads to disputes regarding date of surrender. The relevant clauses of the license agreement may be explained to the licensees.

(iii) On receipt of a new license agreement, all Pr.CCA/CCA offices are also instructed to immediately intimate the summary of the financial conditions of the license agreement to the licensee so that the company is aware of the required compliances to be submitted well in advance.

(iv) The outcome of Telecom Resolution meets be recorded and summary of the issues raised/resolved and pending may be intimated to O/o CGCA . O/o CGCA may monitor the same on regular basis .

This issues with the approval of competent authority

Signed by Sathish Kumar R
Date: 01-05-2023 09:58:06
Sathish Kumar R
Director (LFP-II)

Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: 1-35/2022-LFP-II

Date: 02.05.2023

To,

Sr. Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Clarification on demand of additional FBGs on AGR based on Half Yearly Review (HYR) of BGs -reg.

Ref: 50-4/Clarification & guidelines/CCA MP dated 28.04.2023

With reference to the proposal mentioned in the letter referred above the following comments are intimated :

(i) Letter No 1-2/2019/LFP dated 15.09.2022 was issued to ensure that the dues which are not under dispute i.e Part A is clearly provided to the licensee in the demand notice and the same is enforceable also. Part B of the demand notice is subject to the outcome of CA No 220/2021 pending in Hon'ble Supreme Court.

(ii) Further in Para 3 of letter dated 15.09.2022 the interim order dated 5/1/2021 of Hon'ble Supreme Court which states that the respondents shall be subject to such final directions as may be passed by the court in its judgement has been mentioned.

(iii). Para 3 of LFP wing order no 1-9/2019-LFP-I dated 08.10.2021 also mentions that LF dues which are the subject of dispute/litigation shall not be included in the term "Other dues not otherwise Securitized" during FBG calculation.

(iv). Further assessing authorities also may note that a Separate item 1A - "Revenue from Pure Internet Services (Internet Access and content Service)" is provided in the statement of Revenue format and the Revenue declared under this item 1A is the subject matter of dispute in CA 220/2021. If the licensee is offering any other services covered under the scope of the license then the same is to be declared in the different items available in the statement of Revenue and assessment done accordingly. For instance, Revenue from Internet Telephony services is to be declared in item 1B.

(v). DOT has amended Pre- UL ISP licenses to include Revenue from Pure Internet Services in AGR with effect from 31.3.2021. Subsequent to

I/3099272/2023

the amendment some UL ISP licensees have also started paying LF on self assessment basis on the Revenue from pure internet Services without prejudice to their rights in civil appeal pending in Hon'ble Supreme court.

This issues with the approval of competent authority

Signed by Sathish Kumar R

Date: 02-05-2023 16:58:22

Sathish Kumar R

Director (LFP-II)

Copy to :
DDG(LFA)

**Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001**

No: LFP-10/32/2022-LFP-II

Date: 04.05.2023

To,

Jt.CCA
O/o CCA Gujarat,
7th Floor, P&T Administrative building,
Khanpur,
Ahmedabad-380001.

Sub: Seeking Clarification in respect of M/s Phonon Communications Private Limited.– regarding

Ref: letter No. CCA/GUJ/Voicemail/phonon/2016-17/9 dated 27.03.2023

With reference to your above letter, the following is intimated

(i) It may be seen from Clause 7.4 of the license agreement dated 13.06.2016 that Unified messaging Services (UMS) services are not authorized in this case.

(ii) As per Clause 7.2 of the license agreement dated 13.06.2016, the services will be allowed to be accessed on STD calls basis from outside the authorised SDCA. The Service Provider could install his equipment within the SDCA for which Licence is granted.

(iii) The Unified Messaging Services (UMS) service is a licensed activity and will be classified as a telecom activity.

This issues with the approval of competent authority.

**Signed by Sathish Kumar R
Date: 04-05-2023 15:38:16
Sathish Kumar R
Director (LFP-II)**

PAF - 2023

1-35/2022-LFP-II

I/3100079/2023

**Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001**

No: 1-35/2022-LFP-II

Dated: .05.2023

To,

Sr. Jt. CGCA (Revenue)
O/o CGCA. NICF Campus,
Ghitorni,
New Delhi-110030.

Subject: Clarification on acceptance of Revised AGR claiming deduction of Revenue from Pure Internet Services (PIS).

Ref: 50-4/Clarification & guidelines/CCA, NE-I dated 24.04.2023

With reference to your office letter referred above the following is intimated

(i) There was a standstill in many circles in doing assessment of UL ISP licensees due to pending legal cases on the matter. LFP wing letter no1-2/2019/LFP dated 15.09.2022 was issued to ensure that assessments are done in a timely manner and dues not under dispute are realized timely.

(ii) Matters regarding assessment and representations related to it are to be handled by the assessing authority. Assessing authorities may be advised to take a decision on these matter in terms of the relevant conditions of license agreement, orders of DoT HQ and Court orders on the subject.

This issues with the approval of competent authority

**Signed by Sathish Kumar R
Date: 04-05-2023 18:13:54
Sathish Kumar R
Director (LFP-II)**

**Copy To:
Sr.PPS to Member(F)
PPS to Advisor(F)**

**Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001**

No: LFP-10/22/2022-LFP-II

Date: 10.05.2023

To,

Sr. Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

**Sub: Clarification in respect of items of Revenue coming under the head
"Revenue from Pure Internet Services - reg.**

Ref: 50-4/Clarification & guidelines/CCA Punjab dated 02.11.2022

With reference to your office letter referred above the following is intimated

(i). Pure Internet Services is defined in ISP License issued under guidelines dated 24.08.2007 . The relevant clause is reproduced below:

"18.2 For the purpose of arriving at the "Adjusted Gross Revenue (AGR)" the following shall be excluded from the Gross Revenue to arrive at the AGR:

(i) Charges from pure Internet service, activation charges from pure internet subscribers. Pure Internet Services shall mean any method / device / technology to provide access to Internet unless explicitly prohibited and all content available including web-hosting, web-colocation which is available on internet without access restriction."

(ii).It may also be noted that in UL ISP license also a Separate item 1A - "Revenue from Pure Internet Services (Internet Access and content Service)" is provided in the statement of Revenue format. If the licensee is offering any other services covered under the scope of the license then the same is to be declared in the different items available in the statement of Revenue and assessment done accordingly. For instance, Revenue from Internet Telephony services is to be declared in item 1B and Revenue from Sale/lease of bandwidth is to be declared under item 7.

(iii). Assessing authorities may be advised to complete the assessments in terms of the relevant conditions of license agreement, orders of DoT HQ and Court orders on the subject.

This issues with the approval of competent authority

Signed by Sathish Kumar R
Date: 10-05-2023 16:17:20
Sathish Kumar R
Director (LFP-II)

I/3105160/2023

**Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001**

No: LFP-10/33/2022-LFP-II

Date: 31.05.2023

To,

Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Clarification regarding treatment of income from Infrastructure Sharing during LF Assessment

1. This is with reference to your email dated 10/2/2023 in which letters from O/o CCA MP and O/o CCA Haryana were forwarded seeking clarification regarding treatment of Revenue from IP-1 registration.

2. The case has been examined and following is intimated:

(i) Under IP-1 registration the company is permitted to establish and maintain the assets such as Dark Fibers, right of way, Duct Space and Tower for the purpose to grant on lease/rent/sale basis to the licensees of telecom services on mutually agreed terms and conditions. Stand alone IP-1 registrations holders are not required to pay any License fees.

(ii) In the cases referred above the companies also have UL ISP authorization. In such cases during attention of the assessing authorities are drawn to the following provisions of the Unified license agreement

(a) Clause 2.2(i) & 2.4 in Chapter I (General conditions)

(b) Clause 2.1(xi) in chapter IX pertaining to Internet Service Authorization

(iii) From the reading of above clauses it is clear that UL ISP licensees are permitted to share "passive" infrastructure like building, tower, dark fibre, duct space, Right of way owned, established and operated by them under the scope of the authorisation with other licensees. Further the definition of Gross Revenue includes the term "Revenue from Permissible sharing of Infrastructure". Revenue from sharing/leasing of infrastructure is also available as a separate item in Statement of Revenue prescribed in the license agreement. Revenue from activities which are covered under the scope of the license will not be part of

I/3105160/2023

revenue from operations/activities other than telecom operations. Similar provisions are available in UL- Access, NLD, ILD authorisations also and in UL VNO Access, ISP, NLD and ILD authorisations.

3. Accordingly when similar issues arise during assessment of other licensees, Pr.CCA/CCA offices may be instructed to thoroughly examine the scope of the license authorisation and other relevant clauses of the license agreement and carry out assessment accordingly.

Signed by
Sathish Kumar R
~~Sathish Kumar R~~
Date: 31-05-2023 18:46:32
Director (LFP-II)

Copy to:
DDG(LFA), DoT

Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: LFP-10/09/2022-LFP-II

Date: .06..2023

To,

Jt. CGCA (Revenue)
O/o CGCA. NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Assessment of UL (VNO) Licensees - Reg

1.Representations have been received from UL VNO licensees regarding non-availability of agreements with NSOs from whom they are availing services resulting in disallowance of deductions claimed by these licensees with respect to charges paid to NSOs.

2.Considering the difficulty faced by the VNO licensees and as a measure to promote ease of doing business the following has been decided :

(i) In case of non-availability of agreement with NSOs a certificate from the statutory auditor that deductions claimed towards charges paid to NSOs are in accordance with terms and conditions of license agreement may be accepted by Pr.CCA/CCA offices.

(ii). Pr.CCA/CCA offices also may be instructed to educate the NSOs and VNOs about relevant terms and conditions the license agreement during Telecom outreach meets to facilitate signing of agreements between NSOs and VNOs.

This issues with the approval of competent authority

Signed by

Sathish Kumar R

Date: 26-06-2023 13:41:08
Sathish Kumar R
Director (LFP-II)

Copy To:
DDG(LFA)

Government of India
Ministry of Communications
Department of Telecommunications
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: LFP-10/24/2022-LFP-II

Date: 27.06.2023

To,
Jt. CGCA (Revenue)
O/o CGCA, NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Release of FBG(SUC) case of M/s Quadrant Televentures Limited (QTL)

Ref : O/o CGCA letter No. 50-1/Centralized BG/Quadrant Televentures Ltd/2022 dated 15.06.2023

With reference to your above letter, the following is intimated

- (i) It may be noted that M/s QTL is an active licensee and they are required to maintain FBG for LF and PBG as per license agreement.
- (ii) The demand notices issued by AS division and stayed by Hon'ble TDSAT as mentioned in your letter pertain to imposition of penalty under rollout obligations under UASL agreement of M/s QTL. It may be noted that under the UASL agreement PBG obtained is for rollout obligation purposes. Further as per LFP order No.1-9/2019-LFP-I dated 08.10.2021 any demands of liquidated damages are to be securitised under PBG.
- (iii) To avoid further delay in the case dues not covered under any litigation may be securitised and necessary action may be taken as per O/o CGCA letter dated 28.04.2023.

This issues with approval of competent authority.

R. Sathish Kumar
Sathish Kumar R
Director (LFP-II)

**Government of India
Department of Telecommunications
Licensing Finance Policy wing**

No. 12-44/2021-LFP

Date: 17 .07.2023

Subject: Representations on review of definition of Gross Revenue (GR) and Adjusted Gross Revenue (AGR)

A copy of reply sent to various industry associations on their representations related to review of definition of Gross Revenue (GR) and Adjusted Gross Revenue (AGR) is enclosed for information.

Signed by

Sathish Kumar R

Date: 17-07-2023 10:39:56

Sathish Kumar R

Director (LFP-II)

Encl: As above

To

1. CGCA
2. All Pr.CsCA/CsCA
3. DDG(LFA)/DDG(WPF)

Government of India
Department of Telecommunication
Licensing Finance Policy Wing

No. 12-44/2021-LFP**Date: .07.2023**

To,
COAI/ISPAI/VNOAI/ACTO/ASSOCHAM

Sub: Representations on review of Definition of Gross Revenue (GR) and Adjusted Gross Revenue (AGR).

This is with reference to your various representations on the matter of Definition of GR (Gross Revenue) and Adjusted Gross Revenue (AGR). The matter has been examined and a detailed explanation of the issues involved are provided below :

1. The Union Cabinet in its meeting held on 15.09.2021 had taken several decisions towards reforms in the Telecom sector including that of rationalization of AGR definition. The changes with regarding to definition of AGR was based on TRAI Recommendations dated 06.01.2015 on Definition of Revenue Base (AGR) for the Reckoning of Licence Fee and Spectrum Usage charges. These recommendations have been issued by TRAI after following the due process of consultation with all stakeholders.
2. With this reforms DoT has implemented the principle of 'Applicable Gross Revenue (ApGR)' which is arrived at by deducting certain items of Revenue from the Gross Revenue. Adjusted Gross Revenue (AGR) is arrived at by deducting permissible deductions as defined in the license agreement from 'Applicable Gross Revenue (ApGR)'.
3. The conditions which would apply on the List of Other income to be excluded from Gross Revenue to arrive at ApGR has already been clearly explained in Annexure VIII of the license agreement. In Annexure VIII the list of items of "other income" have been tabulated with description of each item and conditions applicable to consider them to be not be part of ApGR. The same may be referred by the licensees.
4. The response to the specific issues raised in your representations are provided in the table below

Sl. No.	Issue Raised	Comment of DoT
1	Issue necessary clarification with regard to the term "revenue from operations other than telecom activities/operations", since the same is not defined in the License Agreement.	Scope of license clause in the license agreement defines services which can be offered under the license. All activities covered under scope of license will be classified as Telecom activities. As the nature of non telecom activities will vary between different companies it is not possible to list out non telecom activities.
2	Exclude revenue from licenses issued by MIB retrospectively.	Excluded prospectively from October 2021. Matter subjudice in TDSAT for past period.
3	Income from Dividend shall also include gains on mutual funds.	Excluded as per Sl. No(c) of Annexure VIII of license agreement
4	Definition of interest for the purpose of exclusion from ApGR should be simplified to include all forms of interest receipt.	Detailed explanation already available in Sl. No (b) of Annexure VIII of license agreement
5	Gains from foreign rate fluctuations - Market to Market accruals should also get covered.	Excluded as per Sl. No (d) of Annexure VIII of license agreement
6	Leased line /bandwidth charges, port charges, cable landing station charges, sharing of infrastructure services and other charges which are paid from one TSP to another should be allowed as deductions.	TRAI in para 2.33 of its recommendations dated 06.01.2015 has already mentioned that these are basically expenditure related to effective network operation and cannot be treated as similar to interconnection usage charges.

I/3114222/2023

These are items of costs that are paid on a fixed monthly/yearly/per connection charges and are not incidental to the carriage of calls on per call basis like, interconnection usage charges/roaming charges.

PTC by definition is that part of revenue collected from the customer and passed on to another TSP; however, the costs linked to effective network functioning are not linked to the revenue collected from the customer on behalf on another TSP. Hence, the Authority is of the considered view that items referred should not qualify for recognition as items of PTC to arrive at AGR.

Deductions have been well established and defined in each license authorization .The deductions allowed arise from statutory or regulatory mandates stipulated in license. They are easy to verify by the licensor to ensure compliance.

For example License agreement mandates that inter circle traffic be routed to NLD licensee network and international traffic through ILD licensee network. The charges paid to these licensees for carriage of calls is allowed as a

		deduction. Similarly in case of VNO licensees the charges paid by them to NSOs towards access charges, purchase of bulk/wholesale bandwidth, minutes and SMSs are allowed as a deductions as they cannot setup their core infrastructure .
7	Insurance Claim- Claim received on account of business loss should also be covered.	Excluded as per Sl. No (f) of Annexure VIII of license agreement
8	Excess provisions written back- Reversal on account of write back off vendor balances shall also be covered.	Excluded as per Sl. No (h) of Annexure VIII of license agreement
9	Capital Receipts.	Excluded as per Sl. No (c) of Annexure VIII of license agreement
10	Capital gains on business combination e.g. merger, demerger, slump sale etc.	Excluded as per Sl. No (c) of Annexure VIII of license agreement
11	Sale of goods and services for which license is not required such as sale proceeds of handsets, terminal equipment or any ancillary services like OTT subscription, M-advertisement services etc.	Statement of Revenue format already provides for declaration of income from trading activity which covers sale of handsets, accessories etc. These are ancillary to telecom activities. Will be included in AGR.
12	Any form of notional income including free airtime.	Considered part of AGR.
13	Income from property involving establishing, maintain and working of telecommunications should not be treated as revenue as these are reimbursement of expenses or sharing of costs.	Explained in Sl. No (e) of Annexure VIII of license agreement
14	Reimbursement of expenses	GR definition specifically says

	(including the amount received from other TSPs).	that any set-off for related item of expense is not allowed.
15	Recovery from vendors on account of deficiency of service.	Part of Telecom revenue as linked to telecom operations
16	Credits provided by OPEX/CAPEX vendors.	Excluded from AGR.
17	Interest on direct tax/indirect tax refunds.	Excluded as per Sl. No (b) of Annexure VIII of license agreement
18	Management support charges/Manpower Cross-Charge.	Part of Telecom Revenue if the activity is related to telecom services
19	Revenue earned from IP-1 registration	Establishing, maintaining and sharing of passive infrastructure is allowed under the Scope of license in many license authorizations like Access service, ISP, NLD, ILD . Activities covered under the scope of license will be treated as part of Telecom Revenue.
20	A single Gross Revenue and ApGR should be prepared for the company and then the ApGR should be shown with the Circles/Licensees.	Accounts are to be maintained separately for each telecom service operated by licensee company as per license agreement.
21	All the charges which are of pass through in nature paid to other telecom service providers in India or charges paid for carriage of calls/data should be allowed as deductions for all services.(Raised by VNOAI)	Charged paid to NSOs by VNO are allowed as deduction as per license agreement. For other items please refer remarks in Sl No. 6 above.
22	Accounting of deductions of pass-through charges from Gross Revenue to arrive at AGR should be allowed on accrual basis.	Deductions are allowed on paid basis as per license agreement. The issue was litigated and upheld by court in AGR case

23	Pure Internet Services deductions under ISP license should be allowed for both licensed categories-UL and Pre UL licenses.	Matter under litigation in Hon'ble Supreme Court.
24	License Fee should be immediately brought down to 1% of AGR along with suspension of contribution towards USOF till existing corpus is utilized.	Separate policy issue not linked to AGR definition.
25	Reduce SUC rate by 3% for all TSPs.	No SUC for spectrum acquired in auction held after Sept 2021 Telecom reforms. Minimum rate of SUC at 3 percent of AGR also removed.
26	SUC should be levied only on revenue from licensed telecom services provided using access spectrum.	Wireline revenue is already excluded from AGR calculated for the purpose of SUC.

5. Assessment of FY 2021-22 is the first assessment which was impacted by the reforms. Assessments for FY 21-22 for Telecom Service Providers have been issued by the department and no major issues have been raised by the TSPs. Further there is an internal appellate mechanism through which appeal against the assessment order can be submitted by the licensee and any disputes can be handled.

This issues with approval of competent authority.

Signed by

Sathish Kumar R

Date: 17-07-2023 10:38:27

Sathish Kumar R

Director (LFP-II)

Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhavan, Ashoka Road, New Delhi 110001

No: 1-35/2022-LFP-II

Date:25.07.2023

To,

Jt. CGCA (Revenue)
O/o CGCA. NICF Campus,
Ghitorni,
New Delhi-110030.

Sub: Proposal for Amendments in the Guidelines & Procedure with respect to Appeals against Assessment of Decentralized Licenses – Reg.

Ref: Your office letter NO. 50-6/Guidelines and procedures for handling of Appeals of Decentralized licenses/2021-22 dated 06.06.2023

With reference to your above letter the following is intimated:

- (i) Pr.CCA may be designated as the Appellate authority.
 - (ii) Representation on policy matters /legal issues may be referred to DoT HQ.
 - (iii) The disposal of appeal should be self contained in nature with the following details mentioned :
 - (a) Text of the appeal
 - (b) Facts of the Case
 - (c) Comments of the Assessment authority
 - (d) Decision of the Appellate authority in the form of a speaking order
 - (iv) The status of appeals disposal by Pr.CCA offices shall be monitored by O/o CGCA on a quarterly basis and report submitted to LFP wing , DoT Hq.
 - (v) The inputs of Pr.CCA offices may be obtained before finalization of SOP as they will be handling the appeals in future as per the proposal.
- This issues with the approval of competent authority.

Signed by

Sathish Kumar R

Sathish Kumar R
Date: 25/07/2023 18:02:36
Director (LFP-II)

**Government of India
Department of Telecommunication
Licensing Finance Policy Wing
Sanchar Bhawan, Ashoka Road, New Delhi 110001**

No:1-9/2019-LFP-I

Date: 04.08.2023

To,
CCA Karnataka
Amenity Block ,Palace Road,
Bengaluru-560001

Sub: Adjustment of Surplus License Fee and Spectrum Usage Charges

Ref:12/LF/GUARD FILE/10663 dated 24.07.2023.

With reference to above referred letter of your office the following is intimated :

- 1.Intra circle adjustment includes adjustments within two or more SSAs also. Surplus arising within SSAs of same circle will be adjusted as per the SOP .
2. Para 2 of the SOP clearly defines the term Surplus for the purpose of the SOP .

Signed by
Sathish Kumar R
Date: 04-08-2023 19:37:08

**Sathish Kumar R
Director (LFP-II)**

**Copy to:
Jt. CGCA(Revenue)**