

# The TRAI (Levy of Fees and Other Charges for Tariff Plans) Regulations, 2002<sup>1</sup>

In exercise of the powers conferred upon it under clause (f) of sub-section (2) of Section 36 read with sub-section (c) of Section 11(1) of the Telecom Regulatory Authority of India Act, 1997 as amended by TRAI (Amendment) Act, 2000, to levy fees and other charges at such rates in respect of such services as may be determined, the Telecom Regulatory Authority of India hereby makes the following regulation.

## SECTION I

**1. Short title, extent and commencement.**—(i) This regulation shall be called “The TRAI, (Levy of Fees and Other Charges for Tariff Plans) Regulation, 2002”.

(ii) The regulation shall cover the quantum of fees and other charges for filing of tariff plans for approval of the Authority by the service providers.

(iii) The regulation shall come into force after 30 days from the date of its publication in the Official Gazette.

## SECTION II

**2. Definitions.**—(i) “Tariff Plan” means proposals in respect of tariff filed with the Authority.

(ii) Unless the context otherwise requires, all the definitions as provided under Section II of the Telecommunication Tariff Order, 1999 will be applicable to this regulation.

## SECTION III

**3. Fee and other charges.**—(i) The Authority shall levy charges as fee at the following rates—

(a) for each tariff plan filed with the Authority for approval	=	Rs 2000 (Rupees Two thousand only)
(b) for any change/modifications to be made in the tariff already approved or submitted for approval	=	Rs 2000 (Rupees Two thousand only)

(ii) No fee shall be levied if the tariff plans filed are in respect of tariffs which have been for borne by the Authority.

(iii) The fee shall be paid by way of a demand draft/pay order in favour of “TRAI a/c Tariff Fee” payable at New Delhi along with the request for approval for each tariff plan/request for modifications/corrections to a tariff plan already approved/submitted for approval.

1. Telecom Regulatory Authority of India, Noti. No. 301-6/2002-TRAI (Econ.), dated June 13, 2002, published in the Gazette of India, Extra., Pt. III, S. 4, dated 13th June, 2002, pp. 14-18, No. 127. [No. ADVT/III/IV/Exty/142/02].

## SECTION IV

**4. Review.**—(i) The Authority may, from time to time, review and modify the structure of fees and other charges for filing of tariff plans payable under this regulation.

(ii) The Authority may also at any time, on reference from any affected party, and for good and sufficient reasons, review and modify the structure of fee and other charges for filing of tariff plans, payable under this regulation.

## SECTION V

**5. Explanatory Memorandum.**—This regulation contains at Annexure-A, an Explanatory Memorandum to explaining the background and reasons for issuing this regulation.

## SECTION VI

**6. Interpretation.**—In case of any dispute regarding interpretation of any of the provisions of this regulation, the decision of the Authority shall be final and binding.

## ANNEXURE-A

*Explanatory Memorandum*

- (1) Sub-section (c) of Section 11(1) of the Telecom Regulatory Authority of India Act, 1997 as amended by TRAI (Amendment) Act, 2000, empowers the Authority to levy fees and other charges at such rates and in respect of such services as may be determined by regulations.
- (2) In view of the powers conferred under the TRAI Act, the Authority decided to levy fees for filing of tariffs by various service providers and hence this regulation.
- (3) This regulation has been necessitated on account of the fact that service providers file numerous tariff plans, a good number of which are ultimately not implemented. It is noteworthy that there were 244 approved plans in basic services and 741 approved plans in cellular mobile services as on 31st December, 2001. During the Calendar Year 2001 in all 2904 plans were submitted for approval by the TRAI. Scrutiny of such a large number of plans and the process associated with their approval by the Authority puts pressure on the scarce regulatory resources available. Moreover, too many plans confuse the subscriber and render informed choice making very difficult.
- (4) In order that the consumer can make an informed choice amongst the available tariff plans and thus acts in his best interest, it is necessary that unduly large numbers and wide variety of tariff plans on offer be contained. Considering the use of limited regulatory resources for the purpose, the Authority has also decided to levy a fee for processing and approving these plans.
- (5) It is clarified that this amendment will apply to a service provider in a service area in respect of all tariffs submitted for approval by the Authority.
- (6) The Authority has also decided that no fee shall be levied for the tariffs which have been forborne by the Authority under the TTO, 99.