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GAZETTE OF INDIA (EXTRAORDINARY)

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS AND INFORMATION
TECHNOLOGY

DEPARTMENT OF TELECOMMUNICATIONS

NOTIFICATION

New Delhi, the 2nd April, 2003

G.S.R 296(E).- In exercise of the powers conferred by sub-section(1) read with clause (da) of sub-section (2) of section 35 of the Telecom Regulatory Authority of India, Act 1997 (24 of 1997), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement .- (1) These rules may be called the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fee for filing an appeal) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless context otherwise requires,-

(a) “Act” means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) “Appellate Tribunal” means the Telecom Disputes Settlement and Appellate Tribunal established under section 14 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997).

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. The form and verification while filing an appeal,- The form of filing an appeal under sub-section (2) of section 14A of the Act and its verification shall be in the format specified in Form A appended to these rules.

4. Fee for filing an appeal, – (1) The fee accompanied with an appeal filed under sub-section(2) of section 14A of the Act shall be Rs. 10,000/- (Rupees ten thousand only) where the respondents are less than four and in the case of four or more respondents the said fee shall be increased by Rs. 50/- (Rupees fifty only) per respondent exceeding three in number and shall be in the form of demand drafts in favour of Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal and payable at the place of the Bench of the Appellate Tribunal:

Provided that the Chairperson of the Appellate Tribunal may at his discretion, either reduce or waive fee payable for filing of appeal .

5. Procedure for service of notices,- (1) All notices required to be served in accordance with the orders of the Appellate Tribunal shall be served in the manner specified in sub-rules (2), (3) and (4).

(2) The service of a notice shall be made by hand delivery (Dasti) by the Appellant or respondent, as the case may be, or by a process server or by registered post with acknowledgement due or by speed

post or by such courier service or by any other means of transmission of documents (including fax message), as the case may be, and the notice shall be addressed to the respondent or to the appellant, as the case may be.

(3) When an acknowledgement or any other receipt purporting to be signed by the respondent or his agent or by the appellant or his agent, as the case may be, is received by the Appellate Tribunal or postal article containing the notice is received back with an endorsement purporting to have been made by a postal employee or by any person authorised by the courier service to the effect that the respondent or his agent or the appellant or his agent, as the case may be, had refused to take delivery of the postal article containing the notice or had refused to accept the notice by any other means specified in sub-rule (2) when tendered or transmitted to him, the Appellate Tribunal shall declare that the notice had been duly served on the opposite party or to the Appellant:

Provided that where the notice was properly addressed, pre-paid and duly sent by registered post with acknowledgement due, a declaration referred to above, shall be made notwithstanding the fact that the acknowledgement has been lost or mislead, or for any other reason has not been received by the Appellate Tribunal within thirty days from the date of issue of notice.

(4) All notices required to be served on the respondent or the appellant shall be deemed to be sufficiently served, if served in the manner specified in sub-rule (2) and (3) on the address in the case of a respondent to the place where business or profession is carried by the respondent and in case of an appellant where the appellant actually and voluntarily resides or carries on business.

Form A

(See rule 3)



IN THE TELECOM DISPUTES SETTLEMENT AND APPELLATE
TRIBUNAL AT NEW DELHI

APPELLATE JURISDICTION

APPEAL NO. /2003

In the matter of :

- A.B. A.B. (Name and Address of the licensor or licensee
or service provider or a group of consumers) Appellant(s)
- C.D. (add description and the official or residential
address on which the service of notices is to
be effected on the respondent or respondents. Respondent(s)
The details of each respondent are to be given
in a chronological order)

1. Detail of appeal:

[give the particulars of the direction, decision or order of the
Authority against which the appeal is preferred].

2. Jurisdiction of the Appellate Tribunal:

The appellant declares that the subject matter of the
direction, decision or order against which he wants redressal is
within the jurisdiction of the Tribunal.

3. Limitation:

[The Appellant further declares that the appeal is within the period specified in sub-section (3) of section 14A of the Telecom Regulatory Authority of India Act, 1997(24 of 1997.)].

4. Facts of the case:

The facts of the case are given below:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate, issue, fact or otherwise.).

5. Ground of relief with legal provisions:

6. Details of the remedies exhausted:

The appellant declares that he has availed all the remedies available to him under the relevant provisions of the Act and rule framed thereunder.

(Give here chronologically the details of representations made and the outcome of such representations with reference to the number of annexure to be given in support thereof.).

7. Matters not previously filed or pending with any other court:

The appellant further declares that he had not previously filed any writ petition or suit regarding the matter in respect of which this

appeal has been made before any court or any other authority nor any such writ petition or suit is pending before any of them.

[In case the appellant previously had filed any such writ petition or suit, the stage at which it is pending and, if decided, the list of the decisions should be given with reference to the number of annexure to be given in support thereof.]

8. Relief sought:

In view of the facts mentioned in para 4 above, the appellant prays for the following relief(s):

(Specify below the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any, relied upon.)

9. Interim order, if any, prayed for:

Pending final decision on the application, the appellant seeks issue of the following interim order:

(Given here the nature of the interim order prayed for with reasons).

10. Details of Index:

(An Index containing the details of the documents to be relied upon is enclosed).

11. Particulars of bank draft in favour of the Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal in respect of the fee for appeal.

12. List of enclosures:

1.

2.

3.

4.

Verification

I(Name of the appellant) S/o, W/o, D/o
[indicate any one, as the case may
be].....age.....working as in the office
of..... resident ofdo hereby verify
that the contents of the paras.....to.....are true to my personal
knowledge (derived from official record) and paras..... to
.....believed to be true on legal advice and that I have not
suppressed any material facts.

Date:

Place:



Signature of the appellant or authorised officer

(F.No.15/2/2001-Restg.)

(P.K. Tiwari)

Deputy Secretary(Restructuring)