

17 OCT, 2011, 03.19AM IST, SANJAY K SINGH,ET BUREAU

## Government's decision above Trai views in case of difference: SC

**Retirement Savings Fund** : [www.tatamutualfund.com](http://www.tatamutualfund.com) - [Old Age Poverty is a cruel trap Understand how to deal with it.](#)

**L I C - To Retire Rich** : [PensionPlans.PolicyBazaar.com](http://PensionPlans.PolicyBazaar.com) - [Get 1Lac p.m. After 55th BirthDay Compare 46 insurers & Buy Today!](#)

Ads by Google

NEW DELHI: The [Supreme Court](#) has said that the government's decision on the issue of the terms and conditions of the licences given to the telecom companies will prevail over the view of the telecom watchdog, Trai. The regulatory and other non-recommendatory functions of the authority granted under the provisions of the [Trai Act, 1997](#) shall be performed independent of the Central government's functions which are binding on the licensee companies, the apex court said.

"If there is a difference between the Trai and the Central government with regard to a particular term or condition of a licence, as in the present case (validity of the definition of Adjusted Gross Revenue in the licence agreement), the recommendations of the Trai will not prevail and instead the decision of the Central government will be final and binding," said an SC bench.

The bench said "the Trai and the Tribunal had no jurisdiction to decide on the validity of the definition of Adjusted Gross Revenue in the licence agreement and to exclude certain items of revenue which were included in the definition of Adjusted Gross Revenue in the licence agreement between the licensor and the licensee". The court considered the issue of whether the enactment of the Trai Act, 1997 in any way affected the exclusive privilege of the Central government in respect of the telecommunication activities and altered the contractual nature of the licence granted to the licensee under the proviso of the Telegraph Act.

The court also interpreted the provision contained in section 11 of the Trai Act 1997, which provides that notwithstanding anything contained in the Telegraph Act, the regulator authority shall have the function to make recommendations, either suo motu or on a request from a licensor on terms and conditions of licence to a service provider.

### Get a Quote

### Browse Companies

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#) | [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#)

[The Economic Times](#)

[Home](#) | [News](#) | [Markets](#) | [Personal Finance](#) | [Mutual Funds](#) | [Infotech](#) | [Jobs](#) | [Opinion](#) | [Features](#) | [Videos](#) | [My Portfolio](#)

### Other Times Group news sites

[Times of India](#) | [Mumbai Mirror](#)  
[Times Now](#) | [Indiatimes](#)

### Living and entertainment

[Timescity](#) | [iDiva](#) | [Bollywood](#) | [Zoom](#)

### Networking

[itimes](#) | [Dating & Chat](#) | [Email](#)

### Hot on the Web

[Hotklix](#) | [New Maruti Swift](#) | [Apple iPhone 4S - Exclusive](#) | [Steve Jobs](#) | [Formula 1](#) | [Deals in Kolkata](#) | [Mumbai Deals](#)

### Services

[Book print ads](#) | [Online shopping](#) | [Business solutions](#) | [Book domains](#) | [Web hosting](#) | [Business email](#) | [Free SMS](#) | [Free email](#) | [Website design](#) | [CRM](#) | [Tenders](#) | [Remit](#) | [Cheap air tickets](#) | [Matrimonial](#) | [Ringtones](#) | [Astrology](#) | [Jobs](#) | [Property](#) | [Buy car](#) | [Bikes in India](#) | [Online Deals](#)

[About us](#) / [Advertise with us](#) / [Careers @ TIL](#) / [Terms of use](#) / [Privacy Policy](#) / [Feedback](#) / [Sitemap](#) / [Code of Ethics](#)

Copyright© 2011 Times Internet Limited. All rights reserved.

