

## 3G Roaming Pacts: TDSAT gives split verdict

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

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

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

Justice Sinha allowed the telecom operators' plea against the government's directive to stop intra circle 3G roaming saying that it was violative of natural justice. Rastogi, however, dismissed telecom operators plea saying they cannot provide roaming.

The chairman was of view that the DoT had not followed the proper procedure and the operators were not given proper time to put their views.

According to Justice Sinha it was a violation of natural justice. Setting aside the DoT's order to operators to stop ICR roaming, he asked DoT to start the procedure afresh by giving proper time to operators to respond.

Meanwhile, Rastogi dismissed the appeal of telecom operators saying that they can't provide 3G services by having mere 2G licence.

In a 2010 government auction, Bharti won 3G bandwidth in 13 of the country's 22 service areas, while Idea gained access to 11 and Vodafone nine.

The telecoms ministry told carriers last December that it was illegal to offer 3G services beyond their allotted zones by mutually agreeing to share their airwaves.

In the same month, the three operators and smaller rivals Tata Teleservices and Aircel challenged the government order before the TDSAT.