

## 3G Roaming Pacts: DoT seeks legal opinion on TDSAT's split verdict

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

The telecoms department (DoT) has sought the legal opinion on whether Bharti Airtel, Vodafone's Indian unit and Idea Cellular which offered 3G services in most parts of the country because of the roaming pacts can continue to do so in the light of the TDSAT's split verdict on Tuesday.

The three operators had challenged government's directive to stop offering 3G services beyond their licensed zones through mutual roaming pacts.

"It is noted that the honourable TDSAT judgement is split in the ratio of 1:1. Chairman, TDSAT, has concluded that DoT has not followed the principles of natural justice and, therefore, due opportunity of hearing be provided to the petitioners," said an internal DoT note.

These telcos had said that the verdict enabled them to continue offering high-end data services even in areas where they did not have 3G permits.

DoT has sought clarifications from the additional solicitor general (ASG) A.S. Chandhiok, who was the conducting counsel on the matter in the Telecom Disputes Settlement and Appellate Tribunal (TDSAT).

The two member bench comprising TDSAT chairman Justice S.B. Sinha and member P.K. Rastogi on Tuesday 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.

According to Economic Times, the department will also ask Additional Solicitor General AS Chandhiok if the stay order issued by the tribunal last year is still applicable, if it can initiate action against these companies and also if it was advisable to issue fresh showcase notices to these companies, according to an internal department note dated June 4, a copy of

which was reviewed by ET.

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.

---

[About Us](#) | [Advertise](#) | [Contact Us](#) | [Feedback](#)

Copyright © Telecomtiger 2007-2008 [Terms of use](#)

This site is best viewed in Internet Explorer 6.0 and higher versions, at a resolution of 1024 x 768 pixels