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TELECOM DISPUTES SETTLEMENT & APPELLATE
TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section 16(1) of the Telecom Regulatory Authority of India Act, 1997, the Telecom Disputes Settlement & Appellate Tribunal makes the following procedures to regulate its functions: -

1. Short title & commencement –

- (i) These may be called Telecom Disputes Settlement & Appellate Tribunal Procedures, 2005.
- (ii) They shall come into force on 12th December 2005.

2. Definitions- In these procedures, unless the context otherwise requires, -

- (i) 'Act' means Telecom Regulatory Authority of India Act 1997.
- (ii) 'Bench' means the Bench of the Tribunal and includes the full Bench, a division Bench and a single Member Bench.
- (iii) 'Certified copy' means a copy including a photostat copy of an original order of the Tribunal duly attested by concerned officer of the Tribunal.

- (iv) 'Chairperson' means the Chairperson of the Telecom Disputes Settlement & Appellate Tribunal.
- (v) 'Member' means Member of the Telecom Disputes Settlement & Appellate Tribunal and includes the Chairperson of the Tribunal.
- (vi) 'Prescribed' means prescribed by or under these procedures.
- (vii) 'Registrar' means the person who is for the time being discharging the functions of the Registrar of the Telecom Disputes Settlement & Appellate Tribunal.
- (viii) 'Registry' means the office of the Telecom Disputes Settlement & Appellate Tribunal.

- (ix) 'Tribunal' means Telecom Disputes Settlement and Appellate Tribunal established under Section 14 of the Telecom Regulatory Authority of India, Act. 1997.

3. Language of the Tribunal- The language of the Tribunal shall be English :-

Provided that the Bench may in its discretion permit the use of Hindi in its proceedings.

4. Procedure for filing petition/ appeal/miscellaneous application and other pleadings:-

- (i) An advocate representing a party in a case shall file a duly executed Vakalatnama bearing court stamp of Rs.2.75;
- (ii) Parties/Counsel will be required to file one original and four copies of the petition/ appeal/ misc. application and all other pleadings;
- (iii) Wherever any page of a document is not legible, a typed copy shall be annexed.

- (iv) The petition shall be in the proforma appended to these procedures. The appeal shall be in form A appended to the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fee for filing an appeal) Rules, 2003 notified by the Central Government in the Gazette of India on 2nd April 2003.
- (v) The contents of the petition/appeal/misc. application/counter affidavit etc. shall be supported by a verification regarding their correctness by the petitioner/appellant/applicant or respondent or the person authorised to sign petition/appeal/misc. application/counter affidavit etc.
- (vi) Before filing any petition/appeal/misc. application/other pleadings before the Tribunal, a copy of the same shall be served on opposite parties and proof of service necessarily be enclosed.
- (vii) Pagination of the cases filed before the Tribunal shall be in continuous manner beginning from the petition/ appeal along with annexures. Counter-affidavit, rejoinder and other miscellaneous applications etc. filed from time to time shall follow ad seriatum. The petition/appeal, counter affidavit, rejoinder etc shall be retained in the same volume. However, if the number of pages of the documents on an average exceed 200, a separate volume numbered as volume II and so on shall be prepared. The index page of Volume I shall be formatted in a manner that leaves enough space for additional entries to be made in regard to the documents submitted subsequently;
- (viii) The parties concerned shall do proper pagination while filing the petitions/appeals, counter and rejoinder etc. The concerned

advocate(s) or their representatives shall obtain the last page of the Volume already on file from the Registry of the Tribunal and shall arrange to paginate their documents in continuation and in coordination with the officials of the Registry in all the copies.

***4(ix) Computation of fees payable on petitions/appeals/misc. applications-**

Petition/Appeal/Misc. Application shall accompany the required fees in the form of demand draft, in favour of Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal. The fees for filing an appeal shall be as provided in Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fees for Filing an Appeal) Rules, 2003. The fees for filing a miscellaneous application shall be Rs.1, 000/-.

*4 (ix) (A) The amount of fees payable on petitions, next hereinafter mentioned, filed before Telecom Disputes Settlement and Appellate Tribunal shall be Rs.5000/-.

- (i) Petition seeking declaratory relief with consequential relief.
- (ii) Petition seeking directions, injunction and permanent injunction.
- (iii) Petition seeking enforcement of regulations framed by Telecom Regulatory Authority of India under the Telecom Regulatory Authority of India Act, 1997 (as amended).
- (iv) Any other petition not covered above shall also be accompanied with fees of Rs. 5000/-

Provided that the fees for filing petitions/claims/suits in the nature of recovery of money or an outstanding amount, before Telecom Disputes Settlement and Appellate Tribunal shall be computed as follows:

- (i) in petitions/claims/suits for money (including those for damages or compensation or total outstanding) due on the date of filing of petitions/claims/suits and

- (ii) in petitions/claims/suits for money payable periodically under the terms of the agreement between the parties-
- (a) Rs.5,000/- or an ad valorem rate of 1.5% of the total amount /sum total of all periodical amounts claimed , including interest, if any, where the sum total of all amounts claimed, including interest, is upto Rs.2 crore, whichever is more;
- (b) an ad valorem rate of 1%, over and above the fees computed at (a) above, of the total amount /sum total of all periodical amounts claimed, including interest, if any, where the sum total of all

*Subs. and modified by amendment 1 and amendment 2 of 2006

- amounts claimed, including interest, is more than Rs.2 crore but upto Rs. 5 crore;
- (c) an ad valorem rate of 0.5%, over and above the fees computed at (b) above , of the total amount/sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is more than Rs. 5 crore, subject to a maximum fees of Rs. 50 lakhs.

#4 (ix)(B) Decision on questions as to valuation –

- (i) Every question relating to valuation for the purpose of determining the amount of fees chargeable on petitions/claims/suits under the proviso to procedure 4 (ix) (A) shall be decided by the Bench of the Telecom Disputes Settlement and Appellate Tribunal and such decision shall be final as between the parties to the petitions/claims/suits.
- (ii) Whenever a question of valuation is placed before the Bench for consideration and the Bench determines the proper fees payable on such petitions/claims/suits, the proceedings in such petitions/claims/suits shall be stayed until such time as the proper

fees is paid. If the proper fees is not paid within such time as the Bench shall fix, the petitions/claims/suits shall be dismissed.

~4 (ix)(C) Exemption from payment of fees-

The Bench of the Telecom Disputes Settlement and Appellate Tribunal, either on an application made by the party filing a petition/claim/suit/misc application or suo moto, may exempt the party, in deserving cases, from payment of fees required under procedures 4(ix),

#Modified by amendment 1 of 2006

4(ix) (A) and proviso to procedure 4(ix) (A) of the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005.

~4 (ix) (D) Refund of fees-

Where the dispute between the parties in the petition/claim/suit, filed before Telecom Disputes Settlement and Appellate Tribunal, is settled without adjudication by the Telecom Disputes Settlement and Appellate Tribunal, the Bench of the Telecom Disputes Settlement and Appellate Tribunal may, on an application moved in this regard, order refund of such fees, paid by the party to the Telecom Disputes Settlement and Appellate Tribunal under the proviso to procedure 4(ix)(A), as it feels appropriate to the facts and circumstances of such petition/claim/suit.

4 (x) Interim prayers, if any, shall form part of the petition/appeal and no separate application in this regard may be filed.

^4(xi) No fees shall be payable on filing of affidavits including additional affidavits.

4(xii) No fee shall be charged for filing an application for 'condonation of delay' or 'urgent hearing';

- 4(xiii) Timings for filing the documents in the Registry shall be from 10.00 a.m. to 4.00 p.m. on all working days. No documents shall be accepted by the Registry beyond these timings;
- 4(xiv) All documents/pleadings in a case shall be filed before 12.00 noon where the case is listed on the next working day.
- 4(xv) The Registry shall deliver copies of order or any other document only to the advocates/law firms or their authorised representatives or persons who are parties to the proceedings.

~Inserted by amendment 2 of 2006

^Modified by amendment 1 of 2006

5. Date of Presentation of petition/appeal/misc. application/other pleadings-

The Registrar or, as the case may be, the officer authorised by him, shall endorse on every petition/appeal/misc. application/other pleadings the date on which it is presented and shall sign the endorsement.

6. Rejection or Amendment of petition/appeal -

- (i) The Tribunal may, in its discretion, on sufficient cause being shown, accept a petition/appeal which is not accompanied by required documents or is in any other way defective, and in such cases may require the petitioner/appellant to file such documents or, as the case may be to remove the defects by making the necessary amendments within such time as it may allow.
- (ii) The Tribunal may reject the petition/appeal referred to in 6 (i) above, if the documents referred to, therein are not produced, or

defect not removed or the amendments are not made, within 90 days from the filing of the petition/appeal.

- (iii) On re-presentation of any petition/appeal after making the necessary amendments referred to in 6(i) above, the petition/appeal shall be signed and dated by the officer competent to make the endorsement under (5) above.
- (iv) The Chairperson may in his discretion authorise any officer of the Tribunal to return any petition/appeal or document(s) which is/are not in accordance with the Telecom Disputes Settlement & Appellate Tribunal Procedures, 2005. The officer so authorised may, however, allow the documents to be re-filed after removal of the defects within the specified time prescribed in 6 (ii) above.

Provided that on re-presentation, the Bench may in its discretion either accept the petition/appeal in terms of 6 (i) above or reject the same in terms of 6 (ii) above but the petition/appeal may not be restored to its original number unless the Bench allows it to be so restored on sufficient cause being shown.

7. Document authorising representative to be attached to the petition/appeal-

- (i) Where the parties to a petition/appeal are being represented in such Petition/Appeal by authorised representatives, the documents authorising such representatives to appear on their behalf shall be appended to the Petition/Appeal if they are signed by the authorised representatives and the said documents shall indicate

clearly the status of the authorised representatives and their qualifications to act as authorised representatives under the Act.

Provided that where the authorised representative is a legal practitioner, such document of authorisation shall be a duly executed vakalatnama.

- (ii) The document in 7 (i) above may be an authorisation letter/ copy of resolution passed by the Board of Directors, or the Managing Committee or any other authority competent under the Articles of Association/ Rules of the organisation, authorising the applicant to file the case before the Tribunal;

8. Filing of authorisation at a later stage-

- (i) Subject to the satisfaction of the Bench, in cases where an authorised representative known to the Bench has been engaged but is unable to file immediately the document authorising him to appear and plead along with the petition/appeal for any reason, he may file a Memo of Appearance along with an undertaking to file the duly executed vakalatnama in lieu of the document of authorisation for such time as the Bench may in its discretion allow.
- (ii) In case the direction of the Bench, including extended time if any, is not followed, the Bench may in its discretion withhold the issue of the order or stay its operation till the compliance is duly made and/or refrain from extending the facilities in future.

9. Listing of a petition/appeal/ misc. application-

- (i) On receipt of a petition/ appeal/ misc. application in the Registry, scrutiny of the same will be done. Objections, if any, shall be communicated to the concerned parties/ counsel. If a case is found in order, the same shall be listed on any suitable working day after at least one week of filing. However, the party/ counsel can make an application for urgent listing of the matter, and their request shall be considered by the Registry for urgent listing on the next working day as far as possible and if it has any objection in this regard, except clear objections as to the adherence of the laid down procedure for filing the application, the case should be submitted along with its objections for the decision of the Bench.
- (ii) Mentioning of a case/ matter may be made by the party/ counsel at the start of proceedings of the Bench at 10.30 a.m. on any working day.

10. Date and Place of hearing to be notified-

- (i) The Tribunal shall notify to the parties the date and place of hearing of the petition/appeal/misc. application.
- (ii) The issue of notice referred to in 10 (i) above shall not by itself be deemed to mean that the petition/appeal has been admitted.

11. Hearing of petition/appeal-

- (i) On the day fixed, or on any other day to which the hearing may be adjourned, the petitioner/appellant shall be heard in support of the petition/appeal.

- (ii) The Tribunal shall then, if necessary, hear the respondent against the petition/appeal and in such a case the respondent shall be entitled to reply.

12. Action on petition/appeal for petitioner's/appellant's default-

Where on the day fixed for the hearing of the petition/appeal or on any other day to which such hearing may be adjourned, the petitioner/appellant does not appear when the petition/appeal is called on for hearing, the Tribunal may, in its discretion, either dismiss the petition/appeal for default or hear and decide it on merits

Provided that where the petition/appeal has been dismissed for default and the petitioner/appellant appears or files a misc. application, and satisfies the Tribunal that there was sufficient cause for non-appearance when the petition/appeal was called on for hearing, the Tribunal may allow restoration of the petition/appeal.

13. Hearing of petition/appeal/misc. application ex-parte-

Where on the day fixed for hearing of the petition/appeal/ misc. application or on any other day to which the hearing is adjourned the petitioner/appellant/applicant appears and the respondent does not appear when the petition/appeal/misc. application is called on for hearing, the Tribunal may hear and decide the petition/appeal/misc. application ex parte.

14. Proceedings before the Tribunal shall be guided by the principles of natural justice and the provisions of the Act. If any particular proceedings require a trial to be conducted then the Tribunal shall first settle the points for determination based on the pleadings of the parties. Any evidence to be led by the parties in support of their case shall be filed by way of affidavits of the witnesses concerned whose list shall be filed in the Tribunal immediately after the determination of points for consideration. If the Tribunal so desires on its own motion or on the request of the parties, it may direct the presence of the deponent of the affidavit for cross-examination.

Notwithstanding the above procedure, if the Tribunal, after considering the facts of any particular case, is of the opinion that any other procedure for trial should be adopted which is more suited for the disposal of such cases, the Tribunal may then follow such a procedure after making the parties known of such procedure in advance and such procedure shall also follow the directions found in Section 16 of the Act.

15 Continuance of proceedings after death or adjudication as an insolvent of a party to the Petition/Appeal - Where in any proceedings the petitioner/appellant or a respondent dies or is adjudicated as an insolvent or in the case of a company is being wound up, the petition/appeal shall abate, unless an application is made for continuance of such proceedings by or against the

successor-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the petitioner/appellant or respondent, as the case may be.

Provided that every such application shall be made within a period of sixty days of the occurrence of the event.

Provided further that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the period so specified, allow it to be presented within such further period as it may deem fit.

16. Adjournment of petition/appeal/misc. application- The Tribunal may, on such terms as it thinks fit and at any stage of the proceedings, adjourn the hearing of the petition/appeal/misc. application.

17. Proceedings to be open to public- The proceedings before the Tribunal shall be open to the public:

Provided that the Tribunal may, if it thinks fit, order at any stage of the proceedings of any particular case that the public generally or any particular person shall not have access to, or be or remain in, the room or building used by the Tribunal.

18. Orders of the Tribunal- Every order of the Tribunal shall be in writing and shall be signed by the Members constituting the Bench.

19. Change of authorised representative- In case petitioner/appellant/respondent changes the person authorised to

represent him after the filing of the petition/appeal then the fact of such a change may be indicated by way of memorandum addressed to the Tribunal or an endorsement or Vakalatanama or document of authorisation and upon such communication or endorsement the Bench may not insist on filing of a no-objection certificate from the previous authorised representative except where in the opinion of the Bench it was called for in a given case.

20. Communication of orders to parties- Any order passed in regard to the petition/appeal/misc. application shall be communicated to the petitioner/appellant/applicant and the respondent either in person or by registered post.

21. Copies of orders/pleadings:

- (i) The registry will supply copies of certified and uncertified orders of the Tribunal on demand and on payment of a fee of Rs.3/- per page and Rs.2/- per page respectively.
- (ii) Copies of pleadings in a decided case would be supplied, on demand, after payment of Rs. 2/- per page.

22. Inspection of records- For inspection of any case file/document the concerned party/ counsel shall be required to make an application to the Registry. No inspection of the file/ document shall be allowed on a day when the case has been listed on the next working day.

23. Orders and directions in certain cases- The Tribunal may make such orders or give such directions as may be necessary or

expedient to give effect to in relation to its orders or to prevent abuse of its process or to secure the ends of justice.

24. Working hours of the Registry- Except on Saturdays, Sundays and Central Government holidays, the registry shall, subject to any order made by the Chairperson, be open daily from 9.30 a.m. to 6.00 p.m.

25. Sittings of the Tribunal-

- (i) The Tribunal shall ordinarily not hold sittings on Saturdays, nor on any Sundays and other Central Government holidays.
- (ii) The Tribunal shall ordinarily sit at 10.30 a.m.

26. Officers of the Tribunal and their functions-

- (i) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these procedures or by the Chairperson by a separate order.
- (ii) The Registrar may, with the approval of the Chairperson delegate to any officer of the Tribunal any function required by these procedures to be exercised by the Registrar.
- (iii) The official Seal shall be kept in the custody of the Registrar or any other authorised officer.
- (iv) Subject to any general or special directions given by the Chairperson, the Seal of the Tribunal shall not be affixed to any

order or other processes save under the authority in writing of the Registrar [or other authorised officer]

- (v) The Seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar [or any other officer]

27. Additional powers and duties of the Registrar- In addition to the powers conferred by these procedures, the Registrar shall have the following powers and duties subject to any general or special order of the Chairperson, namely:-

- (i) to require any petition/appeal/misc. application or other proceeding presented to the Tribunal to be amended in accordance with the practice and procedure of the Tribunal or to be re-presented after such requisition as the Registrar is empowered to make in relation thereto has been complied with;
- (ii) subject to the directions of the Bench, to fix the date for hearing petitions/appeals/misc. applications or other proceedings and issue notices thereof;
- (iii) to settle the index in cases where the record is prepared in the Tribunal.
- (iv) to direct any formal amendment of record; and
- (v) to order the grant of copies of documents to parties to proceedings, and to grant leave to inspect the records of the Tribunal under procedure 22 above.

28. **Seal and Emblem:** The official Seal and Emblem of the Tribunal shall be such as the Chairperson may prescribe.

29. **Interpretation --** In case of any doubt as to the interpretation to these procedures, the matter shall be placed before the Hon'ble Chairperson who shall have the power to modify, waive and exempt the operation of any of these procedures by specific or general direction.

Proforma of Petition

IN THE TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL AT
NEW DELHI

ORIGINAL JURIDICTION

PETITION NO. /2006

In the matter of :

A.B. (Name and Address of the licensor or licensee
or service provider or a group of consumer) ...Petitioner(s)

C.D. (add description and the official or residential
Address on which the service of notice is to
be effected on the respondent or respondents. ...Respondent(s)
The details of each respondent are to be given
in the chronological order)

1. Index:
2. Jurisdiction of the Appellate Tribunal:
3. Facts of the case:
4. Grounds of relief with legal provisions:
5. Details of the remedies exhausted:
6. Matters not previously filed or pending with any other court:
7. Relief sought:

8. Interim order, if any, prayed for:
9. Particulars of bank draft in favour of the Drawing and Disbursing Officer. Telecom Disputes Settlement and Appellate Tribunal in respect of the fee for petition.
10. List of enclosures:
11. Tel. Number of the Petitioner :
12. FAX Number of the Petitioner :
13. E-mail address of the Petitioner :

Verification

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

Date:

Place:

Signature of the petitioner or authorised officer

**TELECOM DISPUTES SETTLEMENT AND
APPELLATE TRIBUNAL PROCEDURES 2005
(Amendment 1 of 2006)**

In exercise of the powers conferred by section 16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal modifies procedure 4 (ix), procedure 4 (xi) and inserts procedures 4 (ix) (A) and 4 (ix) (B) which read as under:

- 4 (ix) Petition/Appeal/Misc. Application shall accompany the required fees in the form of demand draft, in favour of Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal. The fees for filing an appeal shall be as provided in Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fees for Filing an Appeal) Rules, 2003. The fees for filing a miscellaneous application shall be Rs. 1,000/-.
- 4 (ix) (A) The amount of fees payable on petitions, next hereinafter mentioned, filed before Telecom Disputes Settlement and Appellate Tribunal shall be Rs. 5000/-.
- (i) Petition seeking declaratory relief.
 - (ii) Petition seeking directions, injunction and permanent injunction.
 - (iii) Petition seeking enforcement of regulations framed by Telecom Regulatory Authority of India under

the Telecom Regulatory Authority of India Act, 1997 (as amended).

- (iv) Any other petition not covered above shall also be accompanied with fees of Rs. 5000/-

Provided that the fees for filing petitions/claims/suits in the nature of recovery of money or an outstanding amount, before Telecom Disputes Settlement and Appellate Tribunal shall be computed as follows:

- (i) In petitions/claims/suits for money (including those for damages or compensation or total outstanding) due on the date of filing of petitions/claims/suits – at an ad valorem rate of 1.5% of the total amount claimed, including interest, if any.
- (ii) In petitions/claims/suits for money payable periodically under the terms of the agreement between the parties – at an ad valorem rate of 1.5% of the sum total of all periodical amounts claimed with interest, if any, on the date of filing of the petitions/claims/suits.

4 (ix) (B) Decision on questions as to valuation –

- (i) Every question relating to valuation for the purpose of determining the amount of fees chargeable on petitions/claims/suits under the proviso to procedure 4 (ix) (A) shall be decided by the Bench of the Telecom Disputes Settlement and

Appellate Tribunal and such decision shall be final as between the parties to the petitions/claims/suits.

(ii) Whenever a question of valuation is placed before the Bench for consideration and the Bench determines the proper fees payable on such petitions/claims/suits, the proceedings in such petitions/claims/suits shall be stayed until such time as the proper fees is paid. If the proper fees is not paid within such time as the Bench shall fix, the petitions/claims/suits shall be dismissed.

4 (xi) No fees shall be payable on filing of affidavits including additional affidavits.

**TELECOM DISPUTES SETTLEMENT AND APPELLATE
TRIBUNAL PROCEDURES 2005
(Amendment 2 of 2006)**

In exercise of the powers conferred by section 16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal modifies procedure 4 (ix), procedure 4(ix) (A) and inserts procedures 4 (ix) (C) and 4 (ix) (D) which read as under:

4(ix) Computation of fees payable on petitions/appeals/misc. applications-

Petition/Appeal/Misc. Application shall accompany the required fees in the form of demand draft, in favour of Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal. The fees for filing an appeal shall be as provided in Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fees for Filing an Appeal) Rules, 2003. The fees for filing a miscellaneous application shall be Rs.1, 000/-.

4 (ix) (A) The amount of fees payable on petitions, next hereinafter mentioned, filed before Telecom Disputes Settlement and Appellate Tribunal shall be Rs.5000/-.

- (i) Petition seeking declaratory relief with consequential relief.
- (ii) Petition seeking directions, injunction and permanent injunction.
- (iii) Petition seeking enforcement of regulations framed by Telecom Regulatory Authority of India under the Telecom Regulatory Authority of India Act, 1997 (as amended).
- (iv) Any other petition not covered above shall also be accompanied with fees of Rs. 5000/-

Provided that the fees for filing petitions/claims/suits in the nature of recovery of money or an outstanding amount, before Telecom Disputes Settlement and Appellate Tribunal shall be computed as follows:

- (i) in petitions/claims/suits for money (including those for damages or compensation or total outstanding) due on the date of filing of petitions/claims/suits and
- (ii) in petitions/claims/suits for money payable periodically under the terms of the agreement between the parties-
 - (a) Rs.5,000/- or an ad valorem rate of 1.5% of the total amount /sum total of all periodical amounts claimed , including interest, if any, where the

sum total of all amounts claimed, including interest, is upto Rs.2 crore, whichever is more;

(b) an ad valorem rate of 1%, over and above the fees computed at (a) above, of the total amount /sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is more than Rs.2 crore but upto Rs. 5 crore;

(c) an ad valorem rate of 0.5%, over and above the fees computed at (b) above , of the total amount/sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is more than Rs. 5 crore, subject to a maximum fees of Rs. 50 lakhs.

4(ix) (C) Exemption from payment of fees-

The Bench of the Telecom Disputes Settlement and Appellate Tribunal, either on an application made by the party filing a petition/claim/suit/misc application or suo moto, may exempt the party, in deserving cases, from payment of fees required under procedures 4(ix), 4(ix) (A) and proviso to procedure 4(ix) (A) of the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005.

4(ix) (D) Refund of fees-

Where the dispute between the parties in the petition/claim/suit, filed before Telecom Disputes Settlement and Appellate Tribunal, is settled without adjudication by the Telecom Disputes Settlement and Appellate Tribunal, the Bench of the Telecom Disputes Settlement and Appellate Tribunal may, on an application moved in this regard, order refund of such fees, paid by the party to the Telecom Disputes Settlement and Appellate Tribunal under the proviso to procedure 4(ix)(A), as it feels appropriate to the facts and circumstances of such petition/claim/suit.

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

(FORM, VERIFICATION AND THE FEE FOR FILING AN APPEAL) RULES, 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 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 this 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 authorized 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.

THE GAZETTE OF INDIA: EXTRAORDINARY (PART II-SEC.3(I))

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. (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 ...Respondent(s)

Notices is to be effected on the respondent or

Respondents. 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:

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 ofresident 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 authorized officer