

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,  
PART III, SECTION 4

**TELECOMMUNICATION MOBILE NUMBER PORTABILITY (THIRD  
AMENDMENT) REGULATIONS, 2012**

**(16 of 2012)**

**TELECOM REGULATORY AUTHORITY OF INDIA**

NOTIFICATION

New Delhi, the 8<sup>th</sup> June, 2012

No. 116-5/2012-MN ----- In exercise of the powers conferred by sub-section (1) of section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to further amend the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), namely:-

- 1(1) These regulations may be called the Telecommunication Mobile Number Portability (Third Amendment) Regulations, 2012.
- (2) They shall come into force from the date of their publication in the Official Gazette.
2. In regulation 6 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), (hereinafter referred to as the principal regulations), the following proviso shall be inserted at the end, namely:-

“ Provided further that nothing contained in para (a) of the first proviso shall apply to the subscribers of those service providers whose licences stand quashed pursuant to the judgment and order passed by the Hon’ble Supreme Court in writ petition (civil) No. 423 of 2010 and writ petition (civil) No. 10 of 2011.”

3. In regulation 12 of the principal regulations, after clause (b), the following proviso shall be inserted, namely:-

“Provided that nothing contained in clause (b) shall apply to the subscribers of those service providers whose licences stand quashed pursuant to the judgment and order passed by the Hon’ble Supreme Court in writ petition (civil) No. 423 of 2010 and writ petition (civil) No. 10 of 2011.”

(Rajeev Agrawal)  
SECRETARY

Note1: The principal regulations were published in the Gazette of India, Extraordinary, part III, Section 4 vide notification No. 116-4/2009-MN (Vol. II) dated 23<sup>rd</sup> Sept.2009 and amended vide:

- (i) Notification no. 116-1/2010 dated 28th January, 2010 (1 of 2010)
- (ii) Notification no. 116-1/2010 dated 24th November, 2010 (5 of 2010)

Note2: The Explanatory Memorandum explains the objects and reasons of these regulations

## Explanatory Memorandum

The Telecom Regulatory Authority of India issued the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) dated 23rd September, 2009 laying down the basic business process framework for implementation of mobile number portability in the country. The Regulations 6,7,8,9,10,11,12 and 13 of these regulations came into effect in all telecom service areas in the country from 20<sup>th</sup> January 2011 through the Authority's direction dated 18<sup>th</sup> January, 2011.

2. Hon'ble Supreme Court in its Judgment dated 2<sup>nd</sup> February, 2012, in the WRIT PETITION (CIVIL) NO. 423 OF 2010 and WRIT PETITION (CIVIL) NO. 10 OF 2011 inter alia ordered that:

- (i) The licences granted to the private respondents on or after 10.1.2008 pursuant to two press releases issued on 10.1.2008 and subsequent allocation of spectrum to the licensees are declared illegal and are quashed.
- (ii) The above direction shall become operative after four months.

3. Subsequently the Hon'ble Supreme Court in its order dated 24<sup>th</sup> April , 2012 in connection with the application by Union of India for clarification of judgment dated 2.2.2012 and for grant of permission to conduct the auction, the Hon'ble Supreme Court stated

*“In our view, it will be just and proper to partially accept the prayer made in the application and extend the time fixed by the Court up to the end of August, 2012. Accordingly, the application is disposed of in the following terms:*

*1) The time specified in judgment dated 2.2.2012 in Writ Petition No.423 of 2010 and Writ Petition No. 10 of 2011 for conducting the auction for grant of fresh licenses and allocation of spectrum is extended up to 31.08.2012. This would necessarily mean that the applicant shall have to finalise the auction on or before 31.08.2012.*

*2) The existing licenses shall be entitled to continue to operate till 07.09.2012.”*

4. In view of the above order, and in order to facilitate the porting of the mobile number of subscribers of the licensees whose licenses have been quashed by the Hon'ble Supreme court w.e.f four months from the date of the order, the regulation 6

and 12 of the Telecommunication Mobile Number Portability Regulations, 2009 have been amended.

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