(18)

25-01/2020-DGT/2
Government of India
Ministry of Communications
Department of Telecom
O/o DG Telecom HQ

To

Sr. DDG, Vijaywada
AP LSA

Subject: Disposal of pending appeals /representations filed by TSPs against CAF Demand notices-regarding.

ACT vide letter No. ACT/2019/022 dated 08.11.2019 raised some issues related to e-KYC based CAF audit carried out by AP LSA. Further, AP LSA vide their letter No. APLSA-HYD/DoT HQ Corr./2019-20/26 dated 05.11.2019 submitted its inputs/suggestions on the issue. AP LSA has imposed a huge penalty of around Rs 1300 crores on different TSPs mainly on account of missing some fields in the PoS address and leading to litigation. As a one-time measure, this office vide letter No. 18-05/2019-DGT/2 dated 28.01.2020 requested AP LSA to review the audit of e-KYC based CAFs and take action accordingly.

2. In response, the Head of AP LSA formed a committee vide AP LSA's letter dated 11.02.2020 to review and submit a report on e-KYC audit issue. Based on the committee report, AP LSA vide letter No. APLSA-HYD/DoT HQ Corr./2020-21/35 dated 17.07.2020 conveyed that as the penalties are already levied and some of the penalties raised are sub-judice, it may not be appropriate to modify/review the procedure at field level without explicit directions from AS Wing.

3. Further, during review of outstanding CAF Penalty as on 31.03.2021, it is observed that huge amounts of penalties are still pending under appeal with DDG (C) of AP LSA since long time. This office vide letter of even number dated 17.08.2021, *inter-alia*, requested AP LSA to ensure that all appeals pending before DDG (C), beyond 2 weeks time, may be decided/disposed off at the earliest, provided that there is no stay by the Court. AP LSA was also requested to explain the reasons for the non- settlement of pending appeal cases. In response AP LSA vide letter No. TERMAP/CAF Appeals/Corr/2019-20/V/53 dated 27.09.2021, instead of submitting compliance to this office letter dated 17.08.2021, referred its earlier letter dated 29.10.2020 (not received in P&N Vertical) wherein approval is sought for making the instructions issued vide DGT HQ Letter No. 18-04/2020-DGT/2 dated 17.08.2020 on appeal cases also.

4. In this regard, it is stated that it is clear that any instruction is applicable from the date of its issuance unless specified otherwise. Therefore, delaying the action by AP LSA in the matter on the pretext of such queries is unjustified.

5. In view of above, Head of AP LSA is requested to ensure settlement of these long pending appeal cases on priority in the light of existing guidelines. The action taken report in this regard containing in depth analysis, possible reasons and fixing of responsibility for such inordinate delay may be submitted to this office preferably within a fortnight.

This issues with the approval of DGT.

03/12/2021

(Tarun Kumar)
DDG (P&N)

Copy to: **All LSA Heads** to ensure that all pending appeals before DDG (C), beyond 2 weeks time, may be decided/disposed off at the earliest, provided there is no stay by the Court.