Government of India
Ministry of Communication
Department of Telecommunication
909, Sanchar Bhawan, 20-Ashoka Road, New Delhi
(TERM wing)

Letter No. 8-54/2016-TERM Dated: 8 .05.2017

To,

All the DDGs,
TERM cell

Subject: - Clarification on the issue of levying penalty in case of "other than monthly CAF verification".

With reference the the letter no. 8-54/2016-TERM dated 12.01.2017, clarification have been sought by TERM cell Rajasthan which will be relevant to all other TERM cells also. The queries and their clarifications are hence provided for the reference of the TERM cells: -

Question No. 1). In accordance with the letter issued dated 18.11.2010 classification of four cases namely, cases referred from LEAs, cases of complaints, cases discovered during investigation of bulk cases, surprise checks etc. which have been separately treated and not combined with monthly sample CAF audit for purpose of calculating penalty whereas in clarification issued dated 12.01.2017 only one type of category namely individual complaints, the financial penalty is to be calculated by adding these CAFs in monthly sample size is mentioned.It is not clear about the remaining classifications.

Clarification: - *In regard of the above, it is clarified based on the clarification issued on 12.01.2017, that the letter issued on 18.11.2010 mentions four cases namely: -*

a). cases referred from LEAs
b). complaint cases
c). cases discovered during investigation of bulk cases
d). surprise checks

In this a). and b). can be considered as individual complaint case and are covered in point no. 4 of the clarification dated 12.01.2017. The cases discovered during investigation of bulk cases depends on the mode applied for discovery of the non-compliant cases i.e. if the full subscriber database of the TSP is mined to take out the bulk connection cases then such case is covered under para 5 of the clarification dated 12.01.2017; whereas surprise check of the warehouse of the TSP is independently considered for the calculation of the penalty as per para 3 of the letter dated 12.01.2017.

Question No. 2). Some cases specifically received from various audit units like P&T audit etc., other Term units, investigation on the basis of cases received from call centre regarding fake CLI or all the cases received from other source other than individual may be treated as individual compliant and calculated in accordance with para 4 of your letter dated 12.01.2017 or in accordance with letter dated 18.11.2010.

Clarification: - *In the above matter, it is clarified that the cases are included and clarified in para 4 of the letter dated 12.01.2017.*

Question No. 3). During investigation extracting sample for the CAF audit after analysis of CDR instead of Database sample size may kindly be clarified please.

Clarification: - *In this regard it is submitted that in case the CDR analysis is done which is a suo moto mode of Data mining of the TERM cells, the analysis is considered as skimming of customer database of the TSP hence para 5 of the clarification dated 12.01.2017 is applicable.*

Question No. 4). Whether the implementation of the aforesaid clarification dated 12.01.2017 will be applicable to those cases in which joint signed have already been completed but the demand notice were not issued due to awaiting of Hon'ble Division Bench Tripura decision.

Clarification: - *In this regard, it is clarified that the clarification dated 12.01.2017 are applicable to all the cases for which demand notices have not been issued by the TERM cells till 12.01.2017.*

This is issued with the approval of Member(T).

Director(TERM-I)

8.5.17