

BY SPEED POST

To,

Shri. Radha Krishan Mathur  
Chief Information Commissioner  
Central Information Commission  
Baba Gang Nath Marg , Munirka,  
New Delhi- 110067

Dated: 24<sup>th</sup> March 2018

Reference: Appeal No: CIC/TRAOI/C/2017/ 131449

Date of Hearing: 07.03.2018

Date of Decision: 07.03.2018

Respected Sir,

An order was passed subsequent to the aforesaid hearing in the above captioned Appeal No: CIC/TRAOI/C/2017/ 131449 with an observation:

*"The Commission is of the view that industry's representation is not a individual's personal information. Its disclosure larger public interest involved as it has impacted on the tariff plans. "*

**Decision:** *"The respondent is directed to provide a copy of the industry's representation as referred to in the RTI application, within 15 days from the date of receipt of this order.*

**This is to bring in your knowledge for action as appropriate, that the undersigned (Appellant) have till date not received the said copy of the industry's representation. As ordered to the Respondent: CPIO, Telecom Regulatory Authority of India. vide CIC decision / order passed on 07.03.2018. (Enclosed )**

Pertinent to mention here that during the course of this hearing the Respondent had stated therein, *that industry's representation is third party information. The third party has informed them that the representation should not be shared with other parties. The respondent stated that the industry's representation is a confidential document*", basis the claim of this industry's representation received the TRAI had approached the Hon'ble Supreme Court and filed an Interlocutory Application (I.A.) Nos. 71-75 of 2014 in CA no. 829-833 of 2009 in the case of TRAI Vs Set Discovery and Ors, and sought permission of the Hon'ble Court to review the Tariff Order.

The Hon'ble Supreme Court allowed the IA and in its order dated 28th February 2014 held as under:

*"On going through the averments in these applications, the Appellate Authority is permitted to review the tariff ceiling to make adjustment for inflation and notify the same, in exercise of its powers conferred under section 11(2) of the TRAI Act, 1997*

Thereafter only the TRAI notified THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (SECOND) TARIFF (ELEVENTH AMENDMENT) ORDER, 2014 on 31st March, 2014

The TRAI press note No. 28/2016 again refers to this Industry's representation *"This was done as per industry demand as no inflationary hike had been permitted since 2009."*

"Basis which Rs. 10,000 Crores was wrongly collected from millions of Pay TV consumer households in the country by hiking the tariff through the said tariff order notified on 31.03.2014, which have finally been set aside by Hon'ble TDSAT vide its order dated 28<sup>th</sup> April 2015 and the said order of Hon'ble TDSAT has also been upheld by the Hon'ble Supreme Court of India.

While the Telecom Regulatory Authority of India established under the TRAI Act, 1997 to also *"protect the interests of consumers"* when asked that an order / direction be issued at the earliest to all the

stake holders under the jurisdiction of (B&CS) TRAI, "to furnish the details of the amount with accrued interest as on 31.12.2017 on the amount collected on the basis of the T.A.O dated 31.3.2014.

Whereas in this said appeal(s) made, the interim order passed dated 29.05.2014 by the Hon'ble TDSAT clearly states as under:

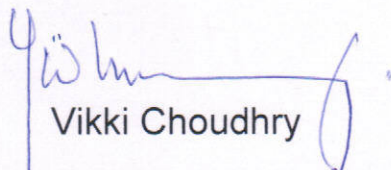
*"At this stage, we are not inclined to pass any order of stay. However, we direct that all stake-holders must keep a separate account in regard to the collections on the basis of the impugned order. It is made clear that in case the Appeals succeed, the individual subscribers making any excess payment in terms of the impugned order will be entitled to adjustments for the succeeding month from the respective LCOs MSOs. Similarly, the LCOs will be entitled to adjustments from the MSOs and the LCOs and the MSOs from the broadcasters."*

The TRAI vide its various letters has replied to the undersigned that *"In the above order, the Hon'ble TDSAT has not given any direction to TRAI. Therefore TRAI has nothing to say in this regard. In view of the above, you are free to approach the appropriate form in this regard."*

This is for your information and an exemplary action

Thanking you

Yours truly

  
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*Copy to,  
Mr S. C Sharma  
Dy. Registrar*