



GOVERNMENT OF PAKISTAN  
PAKISTAN TELECOMMUNICATION AUTHORITY  
Headquarters, F-5/1, Islamabad – 44000  
<http://www.pta.gov.pk> Tel: 9225341 Fax: 2878113

No. PTA/Finance/CVAS Defaulters/1083/210

6<sup>th</sup> April, 2015

**Subject: Decision of the Authority in Case titled "Al Shaymaa (Pvt.) Limited"**

Please refer to the show cause notice vide No. PTA/Finance/CVAS Defaulters/1083/84 dated 22<sup>nd</sup> July, 2014.

2. Attached please find decision of the Authority passed in the captioned matter for your information and compliance.

**Encl: As above.**

**(Ali Asghar)**  
Director General (Law & Regulations)

**To:**

**Al Shaymaa (Pvt.) Limited**  
Through its Chief Executive Officer  
K-187, Block-2, P.E.C.H.S., Karachi  
Fax # 021-34538426

**Copy to:**

1. Chairman, PTA
2. Member (Compliance & Enforcement), PTA
3. Member (Finance), PTA
4. DG (Coordination), PTA
5. DG (Finance), PTA
6. DG (Licensing), PTA



**PAKISTAN TELECOMMUNICATION AUTHORITY**  
**HEADQUARTERS, F-5/1 ISLAMABAD**

**Order of the Authority against Al Shaymaa (Pvt.) Ltd due to Non Payment of Annual License Fee of Rs. 358,502 for the year ended 30<sup>th</sup> June 2012 and Non Submission of Annual Audited Accounts and Non Payment of related Annual License Fee for the year ended 30<sup>th</sup> June 2013**

File No.PTA/Finance/Finance/CVAS Data/Al Shaymaa/1049/2009

Date of Issuance of Show Cause Notice: 22 July, 2014  
Venue of Hearing: PTA HQs, Islamabad  
Date of Hearing:

- |                     |                                   |
|---------------------|-----------------------------------|
| 1. Mr. Tariq Sultan | Member (Finance)                  |
| 2. Mr. Abdul Samad  | Member (Compliance & Enforcement) |

**The Issue:**

**“Non Payment of Annual License Fee of Rs.320,709 for the year ended 30th June, 2012 and Non-Submission of Annual Audited Accounts for the year(s) ended 30 June, 2013”**

**DECISION OF THE AUTHORITY**

**1. BRIEF FACTS:**

1.1 Al Shaymma (Pvt.) Ltd. (the “licensee”) was awarded a non-exclusive nationwide License No. DIR (C)/L/CVAS-296/PTA/2009 dated 2nd Sep., 2009 (the “license”) by Pakistan Telecommunication Authority (PTA) to establish, maintain and operate Data Class Value Added Services subject to the terms and conditions contained in the license.

1.2 The licensee under license condition No. 3 of the license read with regulation No. 11 of Class Licensing and Registration Regulations 2007 and regulation 23 of Pakistan Telecommunication Authority (Functions & Powers) Regulations 2006 was obliged to submit Annual Audited Accounts (AAAs) within three months and to pay Annual License Fee (ALF) within 120 days of the close of Financial Year.

1.3 The licensee vide letters dated 17<sup>th</sup> September, 2012 and 8th November, 2013 was directed to pay ALF Rs.284,573 for the year ended 30 June 2012. In addition, the licensee vide letter dated 9<sup>th</sup> October, 2013 was required to submit AAAs for the year ended 30<sup>th</sup> June, 2013.

1.4 Due to failure to abide by the terms and conditions, relevant regulations and directions issued for non-payment of Annual License Fee of Rs. 284,573 for the year ended 30th June, 2012 and non-submission of AAAs for the year ended 30th June, 2013, a Show Cause Notice (SCN) dated 22<sup>nd</sup> July, 2014 under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 (the "Act") was issued to the licensee. As per SCN the licensee was required to remedy the aforementioned contravention by submitting AAAs for the year ended 30 June, 2013 along with payment of Rs. 320,709 for the year ended 30<sup>th</sup> June 2012 including late payment additional fee @ 2% per month or part thereof calculated till 22<sup>nd</sup> July, 2014 within seven days of the issuance of SCN. In addition, the licensee was also directed to explain in writing within 30 days of the issuance of SCN as to why the license should not be suspended, terminated or any other enforcement order should not be passed against the licensee under section 23 of the Act. The licensee did not remedy the contravention within the stipulated time as given in the SCN.

1.5 The licensee vide letter dated 2<sup>nd</sup> August 2014 replied to the SCN and stated that the Company is in process of re-structuring due to which it has come across some financial problems and could not pay the annual license fee. Therefore, it requested for four (4) quarterly installments starting from month of September, 2014. In addition, it also requested for extension of time for submission of AAAs during this month. However, it was conveyed to the licensee vide PTA's letter No. PTA/Finance/CVAS-Data/Al Shayma/1049/2009 dated 6th September, 2014 that the Authority has approved payment of Rs.320,709 in three monthly installments for the period ended 30 June 2012 and also directed that the licensee shall submit AAAs by mid of Aug 2014. However, the licensee has neither paid the outstanding dues for the year ended 30 June, 2012 nor submitted AAAs for the year ended 30<sup>th</sup> June, 2013.

1.6 After examination of the record, it is concluded that the licensee did not pay any heed to Authority's instruction. Neither did it observe and comply with the terms and conditions of the license with respect to submission of AAAs and payment of ALF.

## 2. Order

2.1. Keeping in view the above mentioned facts coupled with the available record, the Authority hereby decides as under that:

- (a) The license of Al Shaymma (Pvt.) Ltd. is hereby **SUSPENDED** for a period of one month or till submission of payment of Annual License Fee of Rs. 358,502 for the year ended 30th June, 2012 including late payment additional fee @ 2% per month on the outstanding amount for each month or part thereof calculated till 31<sup>st</sup> March, 2015 and non-submission of AAAs for the year ended 30<sup>th</sup> June 2013 and non-payment of the Annual License Fee related to the year ended 30th June, 2013.
- (b) In case of non-compliance of Para 2.1 (a) above, license No. DIR (C)/L/CVAS-296/PTA/2009 dated 2nd September, 2009 shall stand **TERMINATED** without any further notice and recovery proceedings under section 30 of the Act shall be initiated by the Authority against the Company i.e., Al Shaymma (Pvt.) Ltd. for recovery of all payable dues as arrear of land revenue under the Land Revenue Act, 1967. While in

case of submission of Annual Audited Accounts along with payment as per para 2.1 (a) the license shall be restored.

- (c.) All LDI, LL and Mobile licensees are directed to suspend immediately all telecommunication facilities extended to the licensee pursuant to the license till further orders.



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Tariq Sultan  
Member (Finance)



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Abdul Samad  
Member (Compliance & Enforcement)

This enforcement order is signed on 6th day of April, 2015 and comprises 03 pages only.