



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

SAY NO TO CORRUPTION

Enforcement Order under Section 23 of Pakistan Telecommunication (Re-organization) Act, 1996 against Hajj Enterprises (Pvt.) Limited for Non-Payment of Outstanding Dues of Rs. 186,000/- for the Years 2012-13 to 2013-14 on Account of Numbers Allocated 0900-4455x

File Ref: PTA/N&TA/Joint Indus-PRS/1046/2015/

Date of Issuance of Show Cause Notice: 11th February, 2015
Venue of Hearing: PTA HQs, Islamabad
Date of Hearing: 09th April, 2015

The Issue:

“Non-Payment of Outstanding Dues of Rs. 186,000/- for the Years 2012-13 to 2014-2015 on Account of Numbers Allocated 0900-4455x”

Panel of Hearing

Member Finance: Mr. Tariq Sultan
Member Compliance & Enforcement: Mr. Abdul Samad

ORDER OF THE AUTHORITY

1. This order shall dispose of the proceedings initiated through Show Cause Notice (SCN) bearing No. PTA/N&TA/Joint Indus-PRS/1871/2012/184 dated 11th Feb, 2015 served to **Hajj Enterprises (Pvt.) Limited** (the “licensee”) by Pakistan Telecommunication Authority (PTA) under sub-section 3 of section 23 of Pakistan Telecommunication (Re-organization) Act, 1996 (the Act).

2. Brief Facts of the Case:

2.1 The licensee was awarded a non-exclusive Voice Class Value Added Services License No. Dir(L)/CVAS-404/PTA/2011 dated 1st August, 2011 (the “license”) by PTA, to provide, establish, maintain and operate Voice Class Value Added Services in Pakistan, subject to the terms and conditions contained in the license.

2.2. The licensee is required to comply with the provisions of the prevailing regulatory laws comprising of the Act, the Pakistan Telecommunication Rules, 2000 (the “Rules”),

the Class Licensing and Registration Regulations, 2007, the Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2006, Number Allocation and Administration Regulations, 2011 (the "Numbering Regulations") and the terms and conditions of the license.

2.3. A block of PRS numbers 0900-4455x was allocated to the licensee vide letter No.1-9/11/N&TA, dated 15th August 2011 for provision of licensed services. In addition, vide license condition No. 3 of the license read with sub-regulation 19 of Numbering Regulations, regulation 12 of the Class Licensing and Registration Regulations, 2007 and sub-regulation (1) (k) of regulation 23 of Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2006, the licensee is duty bound to pay numbers usage and allocation fee.

2.4. The licensee vide letters No. N&TA/Services Division dated June 11, 2013 and No. N&TA/Services Division dated June 24, 2013, dated 7th July, 2015 and final notice No. N&TA/Services Division dated 14th July, 2014 was required to pay its annual numbering charges of Rs.186,000/- for the years 2012-13 to 2014-15, but it did not pay the required charges.

2.5. The Licensee failed to make required payment of Rs.186,000/- for the years 2012-13 to 2014-15 on account of annual numbering charges despite repeated demands which amounts to violation of the prevailing regulatory laws and the terms and conditions of the license mentioned above.

2.6. Resultantly, due to above contravention of the said license condition read with applicable Regulations, the Authority, under section 23 of the Act, took cognizance of the aforesaid default and issued a Show Cause Notice (SCN) on 11th February, 2015 to the licensee, wherein the licensee was required to remedy the contravention by paying Annual Numbering Charges of Rs.186,000/- for the years 2012-13 to 2014-15 **within seven (07) days** of the issuance of this SCN and also to explain in writing, **within thirty (30) days** of the issuance of this SCN, as to why an order should not be passed against the licensee under section 23 of the Act for aforesaid contravention.

2.7. Before passing an enforcement order under section 23 of the Act, the matter was fixed for hearing on 9th April, 2015 but no one appeared on behalf of the licensee. It would be pertinent to mention here that SCN dated 11th February, 2015 and hearing notice dated 26th March, 2015 were issued on the address as provided by the licensee and maintained with the Authority and only one hearing notice was received back as undelivered. Despite the fact, it was clearly stated in the said notices that in case of non-appearance, the matter will be decided *ex-parte*, neither any one appeared before the Authority nor any response was received from the Licensee. Consequently, the hearing panel left with no option except to proceed *ex-parte* against the licensee as per available record.

2.8. After the perusal of the record, it is determined that the licensee has failed to comply with the terms and conditions of the license and has willfully and knowingly violated its License conditions No. 3 and 4.1 read with sub-regulation 19 of Numbering Regulations, Regulation 12 of the Class Licensing and Registration Regulations, 2007 and sub-regulation (1) (k) of Regulation 23 of Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2006. The conduct of the licensee, in terms of fulfillment of its obligations contained in the license, is contumacious and perverse which falls within the ambit of sub-section (3) of section 23 of the Act and accordingly the contention made in the SCN is hereby established.

3. ORDER:

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

a) The licensee i.e. **Hajj Enterprises (Pvt.) Limited** is hereby directed to clear outstanding dues of Rs.150,000/- within fifteen (15) days for the period of 2012-13 to 2014-15 from the date of issuance of this enforcement order, however, in light of court order dated 5th May, 2015 in F.A.O No.25 of 2012 the penalty amounting to Rs. 36,000/- is pending till finality of the said judgment. The penalty will be payable as per the court order and;

b) In the meanwhile, the block of PRS number 0900-4455x, allocated to the licensee vide letter No.1-9/11/N&TA, dated 15th August 2011, stands withdrawn till the submission of the compliance report. Furthermore, in case of non-payment of dues as stated at para 3.1 (a) within the stipulated time license awarded to the licensee shall stand terminated and further legal proceedings under section 30 of the Act shall be initiated without any further notice.

Mr. Tariq Sultan
Member (Finance)

Mr. Abdul Samad
Member (Enforcement & Compliance)

This order of the Authority is signed on ___ day of October, 2015 and comprises of (03) pages only.