



PAKISTAN TELECOMMUNICATION AUTHORITY
HEADQUARTERS, F-5/1 ISLAMABAD

**Enforcement Order under sub-section 3 of Section 23 of the Pakistan
Telecommunication (Re-organization) Act, 1996 in the matter of
M/s MEGA TECH (PVT.) LTD.**

File No. PTA/Wireline Licensing/Megatech Pvt. Ltd/620/2006
DIR(C)/L/PTA/86/98

Date of Issuance of Show Cause Notice: 16th July, 2007
Date of Hearing: 13th September, 2007
Venue of Hearing: PTA H/Qs, Islamabad

The Authority Present:

S. Nasrul Karim Ghaznavi: Member (Finance)
Dr. Muhammad Yaseen: Member (Technical)

The Issue:

“non-compliance of Enforcement order passed by the officers of the Authority”

Ex-parte Decision of the Authority

1. BRIEF FACTS:

1.1 M/s Mega Tech (Pvt.) Ltd. (the “licensee”) was awarded a non-exclusive license No. PTA/M(T)-018 dated 19th July, 1998 by the Pakistan Telecommunication Authority (the “Authority”) to establish, maintain and operate commercial Electronic Mail Service in Pakistan on the terms and conditions contained in the license. As a licensee of the Authority, M/s Mega Tech (Pvt.) Ltd. was required to comply with the provisions of the prevailing regulatory laws comprising of the Pakistan Telecommunication Authority (Re-organization) Act, 1996 (the “Act”), the Pakistan Telecommunication Rules, 2000

(the “Rules”), the Non Voice Communication Network Service Regulations, 2004 (the “NVCNS Regulations”) and the terms and conditions of the license.

1.2 Provisions of clause 8.1 of Appendix B of the Rules, regulation 10 (8) of the NVCNS Regulations and clause 2.10 of the conditions of license make it obligatory on the licensee not to discontinue /terminate/wind-up his service without prior approval of the Authority and settlement of all claims, obligations and accounts with other value added telecommunication service providers, data communication network operators, its customers and the Authority. As the licensee violated the aforesaid provisions by discontinuing its services without approval of the Authority, hence, a show cause notice dated 13th September, 2006 was issued to the licensee and after affording an opportunity of hearing to the licensee on 28th November, 2006 the hearing panel headed by Director General (Finance) passed an enforcement order dated 30th November, 2006 issued on 6th December, 2006 whereby directed the licensee to settle its issues with PTCL amicably and restart its licensed services within sixty days.

1.3 As the licensee was required to restart its licensed services within sixty (60) days of the aforesaid order, but the licensee failed to comply the same. In this regard the licensee was given further time upto 10th July, 2007 vide letter dated 27th June, 2007 to restart the licensed services, but it failed to restart the services in the given time. Hence, another Show Cause Notice No. PTA/Wireline Licensing/Megatech Pvt. Ltd/620/2006/1457 dated 16th July, 2007 under section 23 of the Act was issued to the licensee, but the licensee failed to respond the show cause notice within the statutory period of thirty (30) days.

1.4 However, prior issuing an enforcement order under the provisions of the Act, the licensee was required through Hearing Notice dated September 4, 2007 to appear before the Authority for personal hearing on September 13, 2007, but no one appeared on behalf of the licensee before the Authority on the said date.

1.5 The case was presented before the Authority in presence of the officers from Finance Wing. It was argued that the licensee has violated statutory provisions as mentioned in Para 1.2 above, and has also not complied with the enforcement order dated 30th November, 2006 and subsequent direction dated 27th June, 2007 given in the matter. In addition, it failed to respond the instant show cause notice and also failed to attend the hearing before the Authority, which constitute irresponsible attitude of the licensee towards the writ of the Authority.

2. ORDER

2.1 The Authority, after careful perusal of record and keeping in view the non-complying attitude of the licensee, hereby decides to proceed *ex-parte* against the licensee by passing the following order:

- (a) License of M/s. Mega Tech (Pvt) limited No. PTA/M(T)-08 dated 19th July, 1998 is hereby TERMINATED with immediate effect.
- (b). PTCL is directed to forthwith terminate all telecommunication facilities extended to the licensee pursuant to the license, till further orders of the Authority.

Dr. Muhammad Yaseen
Member (Technical)

S. Nasrul Karim Ghaznavi
Member (Finance)

Signed on 24th September, 2007 and comprises 03 pages.