



PAKISTAN TELECOMMUNICATION AUTHORITY
HEADQUARTERS, F-5/1 ISLAMABAD
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Enforcement order under sub-section 3 of section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 in the matter of M/s. Omni Excelsior Engineering & Communication (Pvt.) Limited

No. PTA/Finance/CPPS/Omni Excelsior /314/2006

Date of Issuance of Show Cause Notice: 9th July, 2007
Date of Hearing: 8th November, 2007
Venue of Hearing: PTA HQs, Islamabad

The Authority Present:

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

The Issue:

“Non payment of Authority’s dues on account of annual license fee and non-submission of annual audited accounts”

EX-PARTE DECISION OF THE AUTHORITY

1. BRIEF FACTS:

1.1. M/s. Omni Excelsior Engineering & Communication (the “licensee”) is a private limited company incorporated under the Companies Ordinance, 1984 and is engaged in the business of Card Payphone services pursuant to the non-exclusive license No. DIR (C)/L/PTA/568/2003 dated 5th September 2003 (the “license”) issued by the Pakistan Telecommunication Authority (the “Authority”) to establish, maintain and operate Card Payphone services in Rawalpindi District on the terms & conditions contained in the license.

1.2. The licensee has defaulted in payment of the Authority’s dues on account of annual license fee amounting to Rs.37,500/- for the year ended on 30th June 2003-04 and also failed in providing its annual audited accounts for the year ended on 30th June, 2005-2006. In this regard Authority made various requests to the licensee but in vain. Hence, the Authority issued Show Cause Notice dated 9th July, 2007 under section 23 of the Act requiring the licensee to reply to the Notice within thirty (30) days of the issuance of the Notice and explain as to why

any enforcement order should not be passed under section 23 of the Act, against it.

1.3 The licensee neither made the payment nor submitted reply to the Notice. Therefore, before passing an enforcement order a Hearing Notice dated 2nd November, 2007 was issued and served on the licensee requiring the licensee to attend the hearing dated 8th November, 2007 before the Authority. The show cause notices and hearing notices were served on the addresses of the company and all of its Directors. Show cause and hearing notice has been issued on three addresses of the company and two of them have been received back undelivered and one was delivered on the company's address. However, even after information of the scheduled hearing the licensee deliberately avoided attending the hearing, which shows its irresponsible attitude towards the writ of the Authority.

1.4. Therefore, the Authority has no option but to decide the matter *ex-parte*, on the basis of available record.

(a). The licensee was obliged under conditions 3.1 and 3.2 of the license and sub-regulation (2), (3), (4) and (5) of Regulation 7 of Card payphone Regulations, 2004 and under condition 2.4 of the modified license the licensee was obliged to submit annual audited accounts to the Authority within three months of closing of financial year, which the licensee failed to comply.

(b) The Authority has been making repeated requests to the licensee vide various letters including letter dated 29th May 2007, 5th July 2007 and final notice dated 17th May 2007, requiring the licensee to make the payments and submit annual audited accounts, but the licensee never responded to these letters nor deposited PTA dues which constitute sheer disregard to the writ of the Authority.

2. ORDER

2.1. Keeping in view the above mentioned facts and in the light of the available record, the Authority hereby decides to proceed *ex-parte* against the licensee by passing the following enforcement order:

- (a) License of M/s. Omni Excelsior Engineering & Communication (Pvt.) Ltd is hereby SUSPENDED for a period of one month or till paying of payable dues for the years ended 30th June, 2003-04 and submission of annual audited accounts for the year ended 30th June, 2005-06, whichever is earlier;
- (b). In case of failure of the licensee to deposit PTA dues as provided in para 2.1 (a) above, license No. DIR (C)/L/PTA/568/2003 dated 5th September 2003 of the licensee shall stand TERMINATED and recovery proceedings

under section 30 of the Act shall be initiated by the Authority against the company for recovery of dues as arrears of land revenue. While in case of payment and submission of annual audited accounts as per para 2.1(a), the license shall be restored; and

- (c). PTCL is directed to forthwith terminate all telecommunication facilities extended to the licensee pursuant to the license, till further orders of the Authority.

(S. Nasrul Karim Ghaznavi)
Member (Finance)

Dr. Muhammad Yaseen
Member (Technical)

3. This determination is signed on 16th day of November, 2007 and comprises 03 pages.