



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. Wafai
Communication (Pvt.) Ltd.**

File No. PTA/Wireline Licensing/Wafai Communication (Pvt.) Ltd/261/2006/

Date of Show Cause: 16th June, 2008
Date of Hearing: 18th July, 2008
Venue of Hearing: PTA HQs, Islamabad

The Authority present:

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

The Issue:

“Change of Management without prior notification to the Authority”

Decision of the Authority

1. Brief Facts:

- 1.1. M/s Wafai Communication (Pvt.) Limited (the “licensee”) is a private limited company incorporated under the Companies Ordinance, 1984 and is engaged in the business of Card Pay Phone Services with the brand name of “*Citi fone*” pursuant to the non-exclusive licence No.DIR(C)/L/PTA/430/2001 dated 20th June, 2002 (the “license”) issued by the Pakistan Telecommunication Authority (the “Authority”) to establish, maintain and operate Card Pay Phone Services in the province of NWFP subject to the terms and conditions contained in the licence.
- 1.2. As a licensee of the Authority, M/s. Wafai Communication (Pvt.) Limited 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 Pakistan Telecommunication Authority (Function & Powers) Regulations, 2006, (the “Regulations”) and the terms & conditions of the license. Whereas in this case the licensee has violated the provision of section 21(4) (j) of the Act, rule 11 of the Rules, regulation 21 of the Regulations and clause 9.1 of the conditions of the license, by changing its management without prior notification to the Authority
- 1.3. The licensee i.e. M/s. Wafai Communication (Pvt.) Limited allegedly changed its 100% management / directorship without prior notification to the Authority in

contravention of the statutory requirements. Hence, a show cause notice (the “Notice”) under section 23 of the Act was issued to the licensee on 16th June, 2008, which was duly responded by the licensee vide its letter dated 11th July, 2008. In its reply, the licensee tendered unconditional apology for the mistake and stated that it had no intention of violation of law and it resulted due to misconception and ignorance of law and requested the Authority for the withdrawal of show cause notice.

- 1.4. Under the provisions of the Act, the licensee was required to appear before the Authority for personal hearing on 18th July, 2008 vide Hearing Notice dated 16th July, 2008. Mr. Hanif Khan Jadoon, Chief Executive, appeared on behalf of the licensee before the Authority on the said date and reiterated the same stance as already communicated vide its letter dated 11th July 2008. He further submitted that they were not aware of the fact that prior notification of the Authority was required for such change in management/directorship of the company. In addition, the licensee assured the Authority that no such violation will be repeated by it and all related provisions and license conditions would be adhered to in future and requested the Authority to take sympathetic and lenient view of the instant mistake.

2. Order

- 2.1. The Authority, after careful perusal of record and keeping in view the submissive and positive attitude of the licensee, disposed of the show cause notice dated 16th June, 2008 by passing the following order,
- (a). The licensee i.e. M/s. Wafai Communication (Pvt.) Limited, is hereby warned not to repeat such violation in future.
- (b). Change in management as requested by the licensee vide its letter dated 3rd May 2008 is taken notice of and the licensing division is directed to update its record accordingly.

(S. Nasrul Karim Ghaznavi)
Member (Finance)

(Dr. Muhammad Yaseen)
Chairman

Signed on 29th July, 2008 and comprises 02 pages.