



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

**Enforcement Order under section 23 of the Pakistan Telecommunication
(Re-organization) Act, 1996 against Earth Factor (Private) Limited**

No. PTA/Finance/CVAS-Data/Defaulter / 1370/2013/940

Date of Show Cause Notice: 8th November, 2023
Venue of Hearing: PTA HQs, Islamabad
Date of Hearing: 1st April, 2024

Panel of Hearing:

Erum Latif:	Director General (Law & Regulations)
Abdul Batin Khan:	Director General (Licensing)
Ubaid Tayyab:	Director (Finance)
Muhammad Shafique:	Director (Enforcement)

Issue:

“Non- Submission of Annual Audited Accounts (AAAs) and non-payment of Annual License Fee (ALF) for the year ended 30th June, 2022”

DECISION OF THE OFFICERS OF THE AUTHORITY

1. Precisely stated the facts of the case are that Earth Factor (Private) Limited (the “**licensee**”) was awarded a non-exclusive license No. DIR(L)/CVAS-345/PTA/2010 dated 1st November, 2010 (the “**license**”) by Pakistan Telecommunication Authority (the “**Authority**”), to establish, maintain and operate Data Class Value Added Services in licensed region, subject to the terms and conditions contained in the license.
2. The licensee is required to comply with the prevailing regulatory laws comprising the Pakistan Telecommunication (Re-organization) Act, 1996 (the “**Act**”), the Pakistan Telecommunication Rules, 2000, (the “**Rules**”) the Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2006 (the “**Regulations**”), Class Licensing and Registration Regulations, 2007 (the “**CL Regulations**”), and the terms and conditions of the license. As per license condition No.3 read with sub-regulation (1) of regulation 11 of the CL Regulations and sub-regulations (6) and (7) of regulation 23 of the Regulations, it is obligatory for the licensee to submit

Annual Audited Accounts (AAAs) and pay Annual License Fee (ALF) within 120 days of the close of financial year.

3. That PTA vide its letters dated 7th October, 2022, 10th November, 2022, 7th April, 2023 and email dated 17th May, 2023 directed the licensee to submit AAAs for the year ended 30th June, 2022 along with the payment of ALF for the aforesaid year including late payment additional fee, however, the licensee did not pay any heed to comply with the same.

4. Due to failure on the part of the licensee upon non-submission of AAAs and non-payment of ALF for the aforesaid year including late payment additional fee till date, a Show Cause Notice (SCN) dated 8th November, 2023 under section 23 of the Act was issued wherein it was required to remedy the aforementioned contravention by submitting AAAs and making payment of ALF for the year ended 30th June, 2022 including applicable Late Payment Additional Fee for the year ended 30th June, 2022 **within seven (07) days** of the issuance of the SCN and also to explain in writing, **within thirty (30) days** of the issuance of the SCN as to why an enforcement order should not be passed under section 23 of the Act.

5. Before passing an enforcement order under sub-section (3) of Section 23 of the Act, the matter was fixed for hearing on 1st April, 2024. It is pertinent to mention here that the SCN and Hearing Notice (HN) both were issued on the address as provided and maintained by the licensee with PTA. Perusal of the delivery record reveals that SCN and HN returned undelivered from the specified address retained with PTA. Since the licensee neither replied to the SCN nor attended the hearing and no new address as per regulation 46 of the Regulations has been communicated, hence, the Hearing Panel left with no option except to proceed *ex-parte* against the licensee as per available record.

6. After the examination of the available record, it is concluded that the licensee did not comply with the aforesaid applicable regulatory provisions.

7. **ORDER:**

7.1 Keeping in view the above-mentioned facts coupled with the available record, the Officers of the Authority hereby decide as under:

- a) The license is hereby suspended for a period of one month or till the licensee submits AAAs for the year ended 30th June, 2022 along with payment of ALF for the aforesaid year applicable including late payment additional fee till the date of final payment to the Authority, whichever is earlier;
- b) In case of non-compliance of Para 7.1 (a) above, license No. DIR (L) / CVAS-345/ PTA/ 2010 dated 1st November, 2010 of the licensee shall stand terminated upon expiration of one month after the date of issuance of this order without any further notice;
- c) All LDI, LL, TIP and Mobile licensees are directed to suspend immediately all telecommunication facilities extended to the licensee pursuant to the license till further orders of the Authority.

Erum Latif
Director General (Law & Regulations)

Abdul Batin Khan
Director General (Licensing)

1 ✓ **Ubaid Tayyab**
Director (Finance)

Muhammad Shafique
Director (Enforcement)

This enforcement order is signed on 8th July, 2024 and comprises of (03) pages only.