



*Government of Pakistan*  
**PAKISTAN TELECOMMUNICATION AUTHORITY**  
**HEADQUARTERS, F-5/1, ISLAMABAD**

**Decision of the Authority in Appeal No.01 /2019 filed by Telemedia Pakistan (Pvt.) Ltd.**

No. PTA/Services/Numbering/382/2024/94 ,

Appeal No.01/2019:	26 <sup>th</sup> August, 2023
Venue of Hearing:	PTA HQs, Islamabad
Date of Hearing:	22 <sup>nd</sup> May, 2024

**Authority present in hearing:**

Maj. Gen. Hafeez Ur Rehman (R):	Chairman
Dr. Khawar Siddique Khokhar:	Member (Compliance & Enforcement)
Muhammad Naveed:	Member (Finance)

**The Issue:**

**“Appeal against letter dated 24<sup>th</sup> August, 2018 regarding payment of Annual Numbering Fee of PRS 0900-777XX”**

1. This order will dispose of Appeal No. 01/2019 dated 9<sup>th</sup> May, 2019 filed by Telemedia Pakistan (Private) Limited (the “**Appellant**”). The Appellant being aggrieved from the letter dated 24<sup>th</sup> August, 2018 (the “**Impugned Order**”) regarding clarification on charging of Annual Numbering Charges of Rs.4,000,000 issued by the officer of the Authority filed the instant appeal under section 7(2) of the Pakistan Telecommunication (Re-organization) Act, 1996 (the “**Act**”) before Pakistan Telecommunication Authority (the “**Authority**”).
2. Relevant facts of the case are that the Appellant was granted a non-exclusive license No: Dir (C)/L/PTA/149/98 dated 12<sup>th</sup> January, 1999 (the “**license**”) by the Authority to operate Audiotex services in Pakistan. In accordance with terms and condition of license and Numbering Allocation and Administration Regulations, 2005, Numbering Allocation and Administration Regulation, 2011 and presently, Numbering Allocation and Administration Regulations, 2018 are in field (the “**Numbering Regulations**”) was required to pay annual numbering charges.
3. However, due to failure to deposit the Annual Numbering Charges for the year 2005-14, recovery petition dated 9<sup>th</sup> February, 2015 under section 30 of the Act before District Collector, Rawalpindi was filed .Revised recovery petition was filed on 8<sup>th</sup> Jan, 2018. However, being aggrieved from Impugned Order, the Appellant preferred the instant appeal before the Authority. The main contentions of the Appellant are as under:

3.1 *That the Numbering Allocation & Administration Regulation, 2011 are not applicable on the appellant, as the same were framed in violation of section 6 of the Pakistan Telecommunication Act, 1996 and respondents are trying to apply*

*the said regulation retrospectively upon the appellant, as at the time of Allocating the Number there was no such Number Allocation & Administration Regulation 2011, in the field hence the notice issued under Regulation clause-19 (1) is contrary to the Principal of Natural Justice settled by the Superior Court of Pakistan, on the other hand it was also submitted before the respondent no. 1, that the numbers were provided to the appellant's Company namely Telemedia Pakistan (Pvt.) Ltd by the PTCL as per agreement of Revenue Sharing & Service agreement duly signed by the PTCL and appellant hence respondents has not entitled to invoke the Regulation 19(1)(2) under the Regulation 2011 on the appellant.*

- 3.2 *That under clause (o) of sub section (2) of section 5 of Pakistan Telecommunication (Re-Organization) Act, 1996, the Authority shall issue regulation for exercising of its powers and performance of its functions not to charge any fee/tax for generating the revenue for the PTA.*
- 3.3 *That no policy Directive shall be issued which is contrary to and inconsistent with the provision of Act under section 8 of Pakistan Telecommunication (Re-Organization) Act, 1996, hence the regulation 2011 to the extent of charges on appellant is void ab initio.*
- 3.4 *0900 numbers were provided Telemedia Pakistan by PTCL as per revenue sharing and service agreement duly signed between the two vide clause no. 4.1 of this agreement and clause 7.1 of Audiotex license provided by PTA to Telemedia According to the agreement PTCL was to provide up to 10,000 DDI numbers these number were map down muster number (PTCL landline nos) through which universal access was provided including billing and collection. For this purpose, 40% of revenue share was given to PTCL.*
- 3.5 *As per policy directive of Ministry of Information Technology 2006, UAN numbers are not to be charged any numbering recourse charges. 0900 numbers being UAN numbers are accessible nation vide without putting any prefix.*
- 3.6 *Numbering regulation has been issued is 2005 without policy support from Ministry and without any inputs form stakeholder to the dis-advantage of licensees.*
- 3.7 *As per Audiotex license and agreement between service provider and PTCL (Clause 4.1) numbers, billing and collection was to be provided by PTCL against its share 40% of the Revenue generated by the service provider.*
- 3.8 *PTA had assumed allocation of numbers made by PTCL to Telemedia as if it was allocated by PTA. This assumption is not based on reality has explain above.*
- 3.9 *No handling/taking over of the number provided by the PTCL to Telemedia was made by PTCL to PTA. PTCL was receiving 40% of the revenue that included provision of numbers, billing and collection as per requirements of the service provider.*

- a. In case of shifting of numbers from PTCL to PTA, revenue share or change in license clauses and agreements, clauses between the service provider and company (PTCL).
- b. Revenue share needed to be reviewed and change.
- c. Numbers underutilization would have been reduced has per demand.
- d. PTCL had provided blocks of 10 numbers each totaling 100 numbers.

3.10 Needless to say PTA had not allocated any numbering recourse to Telemedia, as Telemedia was using PTCL numbering resource. The assumption based by PTA that 100 numbers were used by telemedia for the years is not based on reality. At one given time telemedia was using 10-15 numbers at the most this can be ascertained from CDR generated by the PTCL.

3.11 PTA had terminated telemedia license vide letter no. PTA/ Wireless/ TELEMEDIA/ 838/ 2008 dated 18<sup>th</sup> March, 2008 Operation of service by Telemedia was up to October 2007. The service was disturbed/ disconnected by PTCL and the regulation under which PTA is going to impose the charged was promulgated July 2011 through SRO no. 718 (i) 9th May 2011 which come into force from the date of Gazette notification of these regulations hence not applicable (retrospectively) to the period 2005 to 2007, before its notification.

4. In order to proceed further in the instant matter, the appeal was fixed for hearing on 22<sup>nd</sup> May, 2024. Mr. Hafiz Manawar (ASC), Sardar Abdul Wahab (Advocate), Mr. Awais Gondal (Advocate) and Ms. Faiza Mudassarr (Advocate) attended the hearing on the said date. Legal counsel appeared on behalf of the Appellant reiterated the same as contended in the Appeal.

## 5. Findings of the Authority:

5.1 Matter heard and record perused. After careful examination of record, followings are the findings of the Authority:

5.1.1 At the very outset it is clarified that in accordance with the provision(s) of the Act, the Authority is mandated to regulate the establishment, maintenance and operation of telecommunication system and provision of telecommunication services in Pakistan. Accordingly, the Authority, under section 5 read with section 20 of the Act, granted license to the Appellant to establish, maintain and operate commercial Audio Tex Services in Pakistan.

5.1.2 By virtue of section 5 (2) (k) of the Act, the Authority is empowered to develop national numbering plan. In addition, the Authority in exercise of its powers conferred under section 5 (2)(o) of the Act promulgated **Numbering Regulations**. In accordance with regulations, *ibid*, and terms and condition of license, the Appellant was under an obligation to pay numbering charges.

5.1.3 With regard to Appellant's contention for non-applicability of charges against PRS numbers on the ground the same were allocated by PTCL prior to promulgation of

the Numbering Regulation, it is relevant to point out that as per record, initial allocation was made by PTCL, however, after promulgation of Numbering Regulations the Appellant was required to make payment in accordance with said regulations.

5.1.4 The assertions of the Appellant that as per policy directive from Ministry, UAN numbers are not to be charged and 0900 number being UAN are accessible nationwide without putting any prefix is misconceived on the ground that policy directive pertains to UAN, UIN and Toll-Free Number and has no nexus with regard to PRS numbers.

5.1.5 In respect of revenue sharing between the Appellant and the PTCL, it is clarified that revenue sharing with PTCL has no relevance with regard to payment of annual numbering charges payable under the Numbering Regulations.

5.1.6 For the purpose of re-conciliation the outstanding dues, the matter was also taken up with PTCL. As per available data, it has been found that 100 numbers were allocated to the Appellant and only ninety-nine (99) PRS numbers were activated till 2011; therefore the Appellant has to be charged from 2005 to 2011. In light of available record, the calculation was reconciled and the Appellant is liable to pay Rs.3,960,000/- on account of PRS numbers.

## 6. Order:

6.1 Keeping in view the above-mentioned facts coupled with the record provided by PTCL, the Authority has reached to the conclusion that Impugned Order is within the applicable legal framework however, since 99 PRS numbers were activate from 2005 to 2011 therefore, the Appellant is liable to pay Rs.3,960,000/-. Accordingly, the instant appeal is hereby disposed of.

**Maj. Gen. Hafeez Ur Rehman (R)**  
Chairman

**Muhammad Naveed**  
Member (Finance)

**Dr. Khawar Siddique Khokhar**  
Member (Compliance & Enforcement)

Signed on 25<sup>th</sup> day of October, 2024 and comprises of (04) pages only.