



Enforcement Order under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 against Track and Trace (Private) Limited

No. PTA/Lic-WrL/Non-Commencement/54/2009/373

Date of Show Cause Notice: 16th December, 2024
Venue of Hearing: PTA HQs, Islamabad
Date of Hearing: 27th February, 2025

The Authority

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

The Issue:

“Non-Obtaining Commencement Certificate”

Decision of the Authority

1. Precisely stated facts of the case are that Track and Trace (Private) Limited (the “**licensee**”) was awarded a non-exclusive No. Dir(L)/CVAS-326/PTA/2010 dated 11th June, 2010 (the “**license**”) by the Pakistan Telecommunication Authority (the “**Authority**”) to establish, maintain and operate Telecommunication service in licensed region subject to the terms & conditions contained in the license.
2. The licensee is required to comply with the provisions of 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 (**Function & Powers**) Regulations, 2006 (the “**Regulations**”), Class Licensing and Registration Regulations, 2007 (the “**CL Regulation**”) and the terms and conditions of the license.
3. In accordance with clause (a) of sub-section (4) of section 21 of the Act, clause 8.1 of the Appendix- B of the Rules, the licensee is under an obligation to observe the provisions of the Act, the Rules, the Regulations, orders, determinations, directions and decisions of the Authority.
4. The licensee under regulation 17 (A) of the CL Regulations is obliged to commence any licensed services within one year from the date of grant of license. Additionally, as per regulation 17 (A) (i) of the CL Regulation, the licensee shall not provide any licensed services, within the period as required in regulation 17 (A) of the CL Regulations, to a customer, or accept any payment from a customer in respect of the licensed services to be provided by the licensee, unless a commencement certificate is issued for each licensed services by the Authority certifying that the licensee has established the required telecom system under the provision of the license and is able to provide licensed services. Moreover, pursuant to regulation 19 (1) of the Regulations, the licensee shall not commence its licensed operations without obtaining commencement certificate from the Authority in accordance with clause 22 of Schedule 2 of the Rules.
5. The licensee through letter No. PTA/Lic-WrL/CVAS/54/2009 dated 20th October, 2023 and email dated 23rd October, 2023 was required to obtain Commencement Certificate for the provision of the licensed services. However, the licensee did not pay any heed to comply with the same.

6. Due to failure on the part of licensee upon obtaining Commencement Certificate, a Show Cause Notice (SCN) dated 16th December, 2024 under section 23 of the Act was issued wherein the licensee was required to remedy the aforementioned contravention by obtaining Commencement Certificate **within 30 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 the license should not be suspended, terminated or any other enforcement order should not be passed under section 23 of the Act. However, the licensee did not respond to the SCN.

7. Before passing an enforcement order under sub-section (3) of section 23 of the Act, the matter was fixed for hearing on 27th February, 2025. However, no one appeared on the behalf of the licensee on the said date. It is pertinent to mention here that the SCN and the hearing notice were issued on the addresses as provided and maintained by the licensee 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 Authority has left with no option except to proceed *ex-parte* against the licensee as per available record.

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

9. **Order:**

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

- a) The license is hereby suspended for a period of one month or till the licensee obtains a commencement certificate for the provision of the license services whichever is earlier.
- b) In case of non-compliance of para 9.1. (a) above, license No. Dir(L)/CVAS-326/PTA/2010 dated 11th June, 2010 shall stand terminated upon expiration of one month after the date of issuance of this order without any further notice.
- c) All LDIs, LLs, TIPs and Mobile licensees are directed to suspend immediately all telecommunication facilities extended to the licensee pursuant to the license till further order of the Authority.

Maj. Gen. Hafiz Ur Rehman (R)
Chairman

Muhammad Naveed
Member (Finance)

Dr. Khawar Siddique Khokhar
Member (Compliance & Enforcement)

Signed on 17th day of April, 2025 and comprised (02) pages only.