



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

**Enforcement order under section 23 of the Azad Kashmir Council Adaptation of Pakistan Telecommunication (Re-organization) Act, 2005 against Bustammitel (Pvt.) Limited for Non-commencement of licensed services**

PTA/Wireline/AJK-CVAS/Bustammitel/761/2015/609

Date of Show Cause Notice: 9<sup>th</sup> May, 2019  
Venue of Hearing: PTA HQs, Islamabad  
Date of Hearing: 26<sup>th</sup> September, 2019

**Issue**

"Non- commencement of licensed services"

**DECISION OF THE OFFICERS OF THE AUTHORITY**

1. Precisely stated the facts of the case are that Bustammitel (Pvt.) Limited (the "Licensee") was awarded non-exclusive CVAS-License No. DIR (L)/CVAS/721/PTA/2015 dated 10<sup>th</sup> November, 2015 (the "license") issued by the Pakistan Telecommunication Authority (the "Authority") to establish, maintain, and operate Voice Class Value Added Services in Azad Jammu and Kashmir (AJK), subject to the terms and conditions contained in the license.
2. The licensee is required to comply with the provisions of prevailing regulatory laws comprising of 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.
3. In accordance with regulation 17(A) of CL Regulations read with regulation 19 of the Regulation and clause 22 of schedule 2 of the Rules, the Licensee was under an obligation to commence licensed services within one year from the date of grant of License moreover, the licensee, vide PTA letter No. DIR (L)/CVAS/721/PTA/2015 dated 10<sup>th</sup> November, 2015 was required to obtain commencement certificate which has not been yet compiled with.

Dated 4<sup>th</sup> November, 2021

4. Due to failure on the part of the licensee a Show Cause Notice (SCN) under section 23 of the Act was issued wherein the licensee was required to remedy the aforementioned contravention by obtaining Commencement Certificate within fifteen (15) days of the issuance of the said SCN and also 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 against the licensee due to continued violation of the PTA directions.

5. Before passing an enforcement order under sub-section 3 of Section 23 of the Act, the matter was fixed for hearing on 26<sup>th</sup> September, 2019. Moreover, it would be pertinent to mention here that SCN and hearing notice were issued on the address as provided and maintained by the licensee with the Authority. However, the licensee neither replied to the SCN nor attended the hearing and no new address as per regulation 46 of the Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2006 has been communicated, hence, the Authority has no option except to proceed ex-parte against the licensee as per available record.

6. After the examination of available record, it is concluded that the licensee did not comply with the terms and conditions of the license and letter dated 10<sup>th</sup> November, 2015 with respect to obtaining commencement of service certificate as well as SCN issued to the licensee. The conduct and attitude of the licensee in terms of fulfilling its obligations contained in the license has been gravely non-serious which falls within the ambit of sub-section (3) of Section 23 of the Act.

7. **Order:**

7.1 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 three months effective from the date of issuance of this Order or till the licensee obtains Commencement of service Certificate from Pakistan Telecommunication Authority after fulfillment of all codal formalities, whichever is earlier.

Dated 4<sup>th</sup> November, 2021

- b) In case of non-compliance of Para 7.1 (a) above, license No. DIR (L)/CVAS/ 721/PTA/ 2015 dated 10<sup>th</sup> November, 2015 of the licensee i.e. Bustammitel (Pvt.) Limited shall stand terminated upon expiration of three months without any further notice.
- c) All LDI, LL, Mobile and TIP licensees are directed to suspend immediately all telecommunication facilities extended to the licensee pursuant to the license till further orders of the Authority.

**Sajjad Latif Awan**

Director General (Law & Regulations)

**Brig (R). Amir Shehzad**

Director General (Licensing)

**Ubaid Tayyab**

Director (Finance)

**Muhammad Shafique**

Director (Enforcement)

Signed on 4<sup>th</sup> November, 2021 and comprises of three (03) pages only.