



**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 against  
M/s Warble Communication (Pvt.) Ltd.**

**File No. PTA/Finance/CPPS/Warble Com/115/2006**

Date of Issuance of Show Cause Notice: 11<sup>th</sup> September 2006  
Venue of Hearing: PTA H/Qs, Islamabad  
Date of Hearing: 10<sup>th</sup> November 2006

**The Panel of Hearing:**

Director General (Finance)	Head
Director (Litigation & Adjudication)	Member
Director (Wireline Licensing)	Member

**The Issue:**

“Non-payment of PTA dues and failure in submission of annual audited accounts”

**EX-PARTE DECISION OF THE OFFICERS OF THE AUTHORITY**

**1. BRIEF FACTS:**

1.1 M/s Warble Communication (Pvt.) Ltd. (the “licensee”) was awarded a non-exclusive license No. DIR(C)/L/PTA/434/2002 dated 15-07-2002 by the Pakistan Telecommunication Authority (the “Authority”) to establish, maintain and operate Card Pay Phone Services in District Kasur (Punjab Province) on the terms and conditions contained in the license. As a licensee of the Authority, M/s Warble Communication (Pvt.) Ltd. 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 Card Pay Phone

Service Regulations, 2004 (the "Regulations") and the terms and conditions of the license.

1.2 Provisions of clause 8.1 of Appendix B of the Rules, regulation 7 of the Regulations and clause 3.1 and 3.2 of the conditions of the license make it obligatory on the licensee to deposit annual license fee in the first quarter of every financial year and also to submit audited financial statements and summary of the accounts to the Authority within three months of the closing date of each financial year.

1.3 The licensee i.e. M/s Warble Communication (Pvt.) Ltd. has a total outstanding balance of Rs. 88,000/against annual license fee for the year ended June 30, 2004 & 2005, being calculated on the basis of annual audited accounts for the year 2003-2004 and 2004-2005 provided by the licensee. The licensee failed to deposit the said outstanding amount despite various correspondence issued by the Authority. Hence, a Show Cause Notice under section 23 of the Act was issued to the licensee on 11<sup>th</sup> September 2006 at all available addresses, which was neither responded by the licensee within the prescribed period of thirty days nor returned undelivered. The addresses were also telephonically confirmed by the Licensing Department as well.

1.4 In order to proceed further in the matter, the licensee was required to appear before the hearing panel (for personal hearing) through Hearing Notice dated 2<sup>nd</sup> November 2006 for hearing on 10<sup>th</sup> November 2006 but the hearing notices were returned undelivered and no one on behalf of the licensee appeared before the hearing panel.

## **2. ORDER**

2.1 Since the licensee failed to appear before the hearing panel for personal hearing and presenting its stance, the hearing panel is left with no other option but to decide the matter *ex-parte* on the basis of available record. The hearing panel has also noted with great concern the licensee's attitude towards today's hearing and its previous track record.

2.2 Today's hearing was convened not to necessarily impose any penalty on the licensee but to listen to the licensee's reasons, if any, for commission of the aforementioned violation and to pass an appropriate order in the matter. However, to reiterate, since the licensee has failed to appear and has kept us deprived of its point of view, hence, this situation has constrained us to follow the record available before us and to decide the issue in its absence.

2.3 We carefully perused the record with the assistance of the officers from the Finance Division of the Authority, and came to the conclusion that the licensee has violated the provisions of the Rules, Regulations and the terms and conditions of the license by non-payment of PTA dues and has thus exposed itself to the penal provisions of sub-section (3) of section 23 of the Act. Hence, we hold and decide as under:

- (a) the Card Pay Phone Service License, bearing number DIR(C)/L/PTA/434/2002 issued by the Authority dated 15-07-2002, of the licensee is hereby SUSPENDED with immediate effect;
- (b) the Licensee is directed to deposit outstanding balance annual license fee of Rs. 88,000/- for CPPS License pursuant to Show Cause Notice dated 11th September 2006 and the other dues piled up against the licensee so far, within 30 days of this enforcement order and submit compliance report, at which its license will be restored;
- (c) in case of failure of the licensee to deposit PTA dues as provided in Para 2.3 (b) above, license No. DIR(C)/L/PTA/434/2002 of the company shall STAND TERMINATED and recovery proceedings under section 30 of the Act shall be initiated by the Authority against the company for recovery of dues as arrears of land revenue; and
- (d) M/s PTCL is informed of the instant enforcement order and directed to suspend forthwith the telecommunication facilities extended to the licensee until further orders.

**Director (Licensing)**

**Director (Litigation & Adjudication)**

**Director General (Finance)**

This determination is passed on \_\_\_\_ November 2006 and comprises \_\_\_\_ pages.