



PAKISTAN TELECOMMUNICATION AUTHORITY
HEADQUARTERS, F-5/1 ISLAMABAD

Order of the Officers of the Authority under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 against Z-Communication (Pvt.) Ltd. due to Non Submission of Annual Audited Accounts and Non Payment of Annual License Fee for the year ended 30th June 2011

No. PTA/Finance/ Finance/ DCNS/Defaulters/1088/2010/1

Date of Issuance of Show Cause Notice:	2 nd October, 2012
Venue of Hearing:	PTA HQs, Islamabad
Date of Hearing:	28 th Jan., 2014
	16 th July, 2014
	8 th Sep., 2014

The Hearing Panel:

Dr. Mohammed Saleem:	Director General (Finance)
Ali Asghar:	Director General (Law & Regulations)
Rizwan Ahmed Hyderi:	Director General (Licensing)

The Issue:

“Non-Submission of Annual Audited Accounts and Non-Payment of Annual License Fee for the year(s) ended 30 June, 2011”

DECISION OF THE OFFICERS OF THE AUTHORITY

1. BRIEF FACTS:

1.1 Z Communication (Pvt.) Ltd. (the “licensee”) was awarded a non-exclusive License No. DIR (C)/L/PTA/291/2000 dated 27th June, 2000 (the “license”) by Pakistan Telecommunication Authority (the “Authority”), to establish, maintain and operate Card Payphone Services in Pakistan, subject to the terms and conditions contained in the license.

1.2 The licensee under the license condition No. 3 of the license read with regulation 11 of Class Licensing and Registration Regulations 2007 and regulation 23 of the Pakistan Telecommunication Authority (Functions & Powers) Regulations 2006 was obliged to submit Annual Audited Financial Statements and Summary of Accounts (AAAs) within three months and to pay Annual License Fee (ALF) within 120 days of the close of Financial Year.

1.3 The licensee vide letter dated 3rd October, 2011 was required to submit Annual Audited Accounts (AAAs) along with Annual License Fee for the year ended 30th June, 2011 but in vain.

1.4 Due to failure to abide by terms and conditions of license, relevant regulations and direction issued for submission of AAAs and payment for the year ended 2011, a Show Cause Notice (SCN) dated 2nd October, 2012 under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 (the "Act") was issued to the licensee. As per SCN, the licensee was required to remedy the aforementioned contravention by submitting AAAs along with ALF for the year ended 30th June 2011 including late payment additional fee @ 2% per month or part thereof within seven days of the issuance of SCN. In addition, the licensee was also directed to explain in writing within 30 days of the issuance of SCN as to why the license should not be suspended, terminated or any other enforcement order should not be passed against the licensee under section 23 of the Act. The licensee did not remedy the contravention within the stipulated time as given in the SCN.

1.5 The licensee vide letter received on 20th November, 2012 submitted Accountant's report and requested for extension of time. In addition, the licensee vide letter received on 22nd October, 2012 also submitted that Z-Communication had almost closed their pay phone business due to market situation, however, accounts would be provided accordingly and requested for extension of time for provision of requisite documents. The licensee was requested vide letter dated 24th Oct 2012 to provide a time frame for submission of Annual Audited Accounts and payment of Annual License Fee including Late Payment Additional Fee @ 2% per month but in vain.

1.6 Before passing an Order under sub-section 3 of section 23 of the Act, the licensee was given opportunities of hearing on 28th Jan., 2014, 16th July, 2014 and 8th September, 2014. It would be pertinent to mention here that SCN and hearing notices were served at the address as provided and maintained by the licensee with the Authority as per regulation 46 of the Pakistan Telecommunication Authority (Functions & Powers) Regulations, 2006 but received back undelivered. In such circumstances the hearing panel has no option except to proceed *ex-parte* against the licensee as per available record.

1.6 After examination of the record, it is concluded that the licensee did not pay any heed to observe and comply with the terms and conditions of license with respect to submission of AAAs and payment of ALF.

2. Order

2.1. Keeping in view the above mentioned facts coupled with the available record, the hearing panel hereby decides as under:

- (a) The license of Z-Communication (Pvt.) Ltd. is hereby **SUSPENDED** for a period of one month or till submission of Annual Audited Accounts along with payment of Annual License Fee for the year ended on 30th June, 2011 including late payment additional fee @ 2% per month on the outstanding amount for each month or part thereof, whichever is earlier.

- (b). In case of non-compliance of Para 2.1 (a) above, license No. Dir(C)/L/PTA/291/2000 dated 27th June, 2000 the license shall stand **TERMINATED** without any further notice and recovery proceedings under section 30 of the Act shall be initiated by the Authority against the company i.e., Z Communication (Pvt.) Ltd. for recovery of all payable dues as arrear of land revenue. While in case of submission of Annual Audit Accounts along with payments as per para 2.1 (a) the license shall be restored.
- (c.) All LDI, LL and Mobile licensees are directed to suspend immediately all telecommunication facilities extended to the licensee pursuant to the license till further orders.

Dr. Muhammad Saleem
Director General (Finance)

Ali Asghar
Director General (Law & Regulations)

Rizwan Ahmed Hyderi
Director General (Wireless Licensing)

This order is issued under delegated powers of the Authority and signed on 2nd day of October, 2014 and comprises 03 pages only.