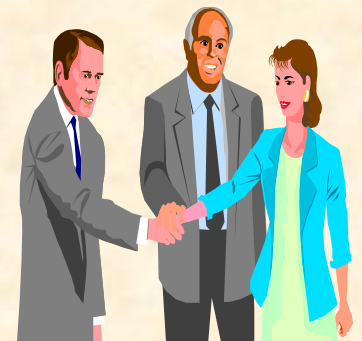




*“DISPUTE RESOLUTION AND  
REDRESSAL OF CONSUMER  
GRIEVANCES IN TELECOM  
SECTORS”*

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Agartala – 06.02.2010*



## Who / what is TDSAT?

- ❑ Statutory Body under TRAI Act, 1997 - since year 2000.
- ❑ Jurisdiction over all telecom disputes.
- ❑ Jurisdiction extended to Cable and Broadcasting in January, 2004.
- ❑ Exclusive jurisdiction over telecom matters.
- ❑ Court of first instance - wide powers – can settle “any dispute”.
- ❑ Both Appellate and Original jurisdictions.

## **Original Jurisdiction – dispute between:**

- Licensor and Licencee;
- Service Providers inter-se;
- Service Providers and Group of Consumers.  
(Specified Persons)

## **Appellate Jurisdiction:**

- Over any direction, decision or order of TRAI.

## **Individual Consumer – TDSAT - No jurisdiction**

- ❑ Consumer Forums Jurisdiction saved.
- ❑ Arbitration under Section 7-B of Telegraph Act saved.
- ❑ A Supreme Court Judgment recently held - since special remedy under Section 7-B is provided therefore remedy before Consumer Forums barred.
- ❑ 7-B Arbitration is between Telegraph Authority and Consumers.
- ❑ Private Service Providers are not Telegraph Authority for Billing issues etc.
- ❑ Therefore, Consumer can neither have remedy of 7-B Arbitration nor before Consumer Forums.

## TRAI

- TRAI Act Preamble - protect interest of Consumers.
- TRAI issued Regulations to Service Providers – provides for procedures for redressal of consumer grievances:
- Establishment of **institutional mechanism**.
- **Call Centre**: registers complaint; intimates action taken; intimates contact details of Nodal Officer
- **Nodal Officer**
- **Appellate Authority**
- Publish a “**Manual of Practice for handling consumer complaints**”; make it available for reference at every office and Website. Provide copy or its abridged version to each consumer at the time of his subscription for service.

## No Adjudicatory Powers with TRAI

## **Grievances against TRAI's Directions / Regulations**

- These can be appealed before TDSAT.
- Even individual consumer can challenge TRAI's Directions / Regulations.

## **Civil Courts**

- Civil Court's jurisdiction is expressly barred. Specified categories of persons cannot approach Civil Courts.
- Individual Consumers can approach Civil Courts.

## **High Courts**

- High Court has writ jurisdiction but generally they send telecom cases to TDSAT.

## **Arbitrator**

- Specified categories of persons cannot.
- Individual Consumer can.



## *SOME SUGGESTIONS*

- ❑ To maintain the advantages of a Specialised Tribunal, continuity in the knowledge and expertise gained during litigation needs to be passed on to the succeeding Chairperson and Members
- ❑ To avoid plethora of litigation, important aspects of telecom issues should be codified with clarity to avoid ambiguity and uncertainty

*THANK YOU*