

Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fee for filing an Appeal) Rules, 2003

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Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fee for filing an Appeal) Rules, 2003

In exercise of the powers conferred by sub-sec. (1) read with clause (da) of sub-sec. (2) of Sec. 35 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Central Government hereby makes the following rules, namely :

1. Short title and commencement :-

(1) These rules may be called the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fee for filing an Appeal) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(1) In these rules, unless context otherwise requires,

(a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) "Appellate Tribunal" means the Telecom Disputes Settlement and Appellate Tribunal established under sec. 14 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997).

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. The form and verification while filing an appeal :-

The form of filing an appeal under sub-sec. (2) of Sec. 14-A of the Act and its verification shall be in the format specified in Form A appended to these rules.

4. Fee for filing an appeal :-

(1) The fee accompanied with an appeal filed under sub-sec. (2) of Sec. 14-A of the Act shall be Rs. 10,000/- (Rupeesten thousand only) where the respondents are less than four and in the case of four or more respondents the said fee shall be increased by Rs. 50/- (Rupees fifty only) per respondent exceeding three in number and shall be in the form of demand drafts in favour of Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal and payable at the place of the Bench of the Appellate Tribunal:

Provided that the Chairperson of the Appellate Tribunal may at his discretion, either reduce or waive fee payable for filing of appeal.

5. Procedure for service of notices :-

(1) All notices required to be served in accordance with the orders of the Appellate Tribunal shall be served in the manner specified in sub-rules (2) (3) and (4).

(2) The service of a notice shall be made by hand delivery (Dasti) by the appellant or respondent, as the case may be, or by a process server or by registered post with acknowledgment due or by speed post or by such courier service or by any other means of transmission of documents (including fax message), as the case may be, and the notice shall be addressed to the respondent or to the appellant, as the case may be.

(3) When an acknowledgment or any other receipt purporting to be signed by the respondent or his agent or by the appellant or his agent, as the case may be, is received by the Appellate Tribunal or postal article containing the notice is received back with an endorsement purporting to have been made by a postal employee or by any person authorised by the courier service to the effect that the respondent or his agent or the appellant or his agent, as the case may be, had refused to take delivery of the postal article containing the notice or had refused to accept the notice by any other means specified in sub-rule (2) when tendered or transmitted to him, the Appellate Tribunal shall declare that the notice had been duly served on the opposite party or to the appellant:

Provided that where the notice was properly addressed, pre-paid and duly sent by registered post with acknowledgment due, a declaration referred to above, shall be made notwithstanding the fact that the acknowledgment has been lost or mislead, or for any other reason has riot been received by the Appellate Tribunal within thirty days from the date of issue of notice.

(4) All notices required to be served on the respondent or the appellant shall be deemed to be sufficiently served, if served in the manner specified in sub-rule (2) and (3) on the address in the case of a respondent to the place where business or profession is carried by the respondent and in case of an appellant where the appellant actually and voluntarily resides or carries on business.