

Government of India
Ministry of Communications & IT
Department of Telecommunications
(Access Services Division)
1203, Sanchar Bhavan, Ashok Road, New Delhi-110001.

No.20-271/2010-AS-I (Pt-1)

Dec-03, 2013

To
All the CMTS Licensees Company.

Subject: Amendment of CMTS Licence Agreement issued prior to 2001 in Metro Service Areas, regarding Foreign Direct Investment (FDI) – Caps and routes in Telecom sector.

In pursuance of Condition 5.1, The LICENSOR hereby amends the following in the **CMTS Licence Agreement** issued prior to 2001 in Metro Service Areas. This amendment is effective with immediate effect.

Existing affected clauses of CMTS	After Amendment
<p>2(viii). OWNERSHIP OF THE LICENCEE COMPANY</p> <p>A The total composite foreign holding including but not limited to investments by Foreign Institutional Investors (FIIs), Non-resident Indians (NRIs), Foreign Currency Convertible Bonds (FCCBs), American Depository Receipts (ADRs), Global Depository Receipts (GDRs), convertible preference shares, proportionate foreign investment in Indian promoters/investment companies including their holding companies, etc., herein after referred as FDI, will not exceed 74 per cent. The 74 per cent foreign investment can be made directly or indirectly in the operating company or through a holding company and the remaining 26 per cent will be owned by resident Indian citizens or an Indian Company (i.e. foreign direct investment does not exceed 49 percent and the management is with the Indian owners). It is clarified that proportionate foreign component of such an Indian Company will also be counted towards the ceiling of 74%. However, foreign component in the total holding of Indian public sector banks and Indian public sector financial institutions will be treated as 'Indian' holding. The licensee will be required to disclose the status of such foreign holding and certify that the foreign investment is within the ceiling of 74% on a half yearly basis.</p>	<p>2(viii). OWNERSHIP OF THE LICENCEE COMPANY</p> <p>A. FDI upto 100% with 49% under automatic route and beyond 49% through FIPB route subject to observance of licensing and security conditions by licensee as well as investors as notified by the DoT from time to time.</p> <p>Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.</p>
<p>C The Share Holder Agreements (SHA) shall specifically incorporate the condition that majority directors on the Board including Chairman, Managing Director and Chief Executive Officer (CEO) shall be resident Indian citizens and shall also envisage the conditions of adherence to Licence Agreement.</p>	<p>C. deleted</p>
<p>D FDI up to 49 percent will continue to be on the automatic route. FDI in the licensee company/Indian promoters/investment companies including their holding companies shall require approval of the Foreign Investment Promotion Board (FIPB) if it has a bearing on the overall ceiling of 74 percent. While approving the investment proposals, FIPB shall take note that investment is not coming from countries of concern and/or unfriendly</p>	<p>D The licensee Company/ Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant FDI policy of the Government. While approving the investment proposals, FIPB may take into account security concerns.</p>

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