

No.: 20-281/2010-AS-I (Vol. VII)

Ministry of Communications
Department of Telecommunications
(Access Services Wing)
Sanchar Bhawan, 20, Ashoka Road, New Delhi- 110001

Date: 24.09.2018

Subject: Amendment in the 'Guidelines for Transfer/Merger of various categories of Telecommunication service licenses/authorisation under Unified License (UL) on compromises, arrangements and amalgamation of the companies' dated 20.02.2014

In pursuance to the clause (5) of the 'Guidelines for Transfer/ Merger of various categories of Telecommunication service licenses/authorisation under Unified License (UL) on compromises, arrangements and amalgamation of the companies' dated 20.02.2014 (hereinafter, referred to as "the Merger and Acquisition Guidelines, 2014"), the Department of Telecommunications, hereby, amends the sub-clause (a) and sub-clause (l) of the clause (3) of the Merger and Acquisition Guidelines, 2014 as detailed below:

Present Clause	Amended Clause
a) The lensor shall be notified for any proposal for compromise, arrangements and amalgamation of companies as filed before the Tribunal or the Company Judge. Further, representation/ objection, if any, by the Licensor on such scheme has to be made and informed to all concerned within 30 days of receipt of such notice.	a) The Licensor shall be notified for any proposal for compromise, arrangements and amalgamation of companies as filed before the Tribunal or the Company Judge. Further, representation/ objection, if any, by the Licensor on such scheme and on the merger/ transfer of licenses/ authorizations under Unified License, have to be made and informed to all concerned within 30 days of receipt of such notice. After the scheme is sanctioned by the Tribunal/ Company Judge, the Licensor will provide its written approval within 30 days of receipt of request for approval to the transfer/ merger of licenses/ authorizations under Unified License.

Sujin

<p>l) If, as a result of merger, the total spectrum held by the relevant entity is beyond the limits prescribed, the excess spectrum must be surrendered within one year of the permission being granted. The applicable Spectrum Usage Charges on the total spectrum holding of the resultant entity shall be levied for such period. If the spectrum beyond prescribed limit is not surrendered within one year, then, separate action in such cases, under the respective licenses/ statutory provisions, may be taken by the Government for non surrender of the excess spectrum. However, no refund or set off of money paid and/ or payable for excess spectrum will be made.</p>	<p>l) If, as a result of merger, the total spectrum held by the resultant entity is beyond the limits prescribed, the excess spectrum must be surrendered or traded within one year of the permission being granted. The applicable Spectrum Usage Charges on the total spectrum holding of the resultant entity shall be levied for such period. If the spectrum beyond prescribed limit is not surrendered or traded within one year, then, separate action in such cases, under the respective licenses/ statutory provisions, may be taken by the Government for non-surrender/ non-trade of the excess spectrum. However, no refund or set off of money paid and/ or payable for excess spectrum will be made.</p>
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2. The afore-mentioned amendments in the Merger and Acquisition Guidelines, 2014 shall come into effect immediately.

Sujit
24/09/18

(Sujit Kumar)

ADG (AS-V)

For and on behalf of the President of India

Tel: 011-23036416

To,
The Director (IT), DoT-Hq, New Delhi for publishing on the web-site of the Department of Telecommunications