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

Dated at New Delhi, 30.05.2018

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 ‘Guidelines for Transfer/ Merger of various categories of Telecommunication service licenses/ authorisation under Unified License (UL) on compromises, arrangements and amalgamation of the companies’ (hereinafter, referred to as, the Merger and Acquisition Guidelines, 2014) issued by the Department of Telecommunications (DoT) on 20.02.2014, and revision of the limits of cap for spectrum holding therefor, DoT hereby amends the sub-clause (g) and sub-clause (k) of the clause (3) of the Merger and Acquisition Guidelines, 2014 as detailed below:

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<th>Present Clause</th>
<th>Amended Clause</th>
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<td>g) Taking into consideration the spectrum cap of 50% in a band for access services, transfer/merger of licences consequent to compromise, arrangements or amalgamation of companies shall be allowed where market share for access services in respective service area of the resultant entity is upto 50%. In case the merger or acquisition or amalgamation proposals results in market share in any service area(s) exceeding 50%, the resultant</td>
<td>g) Transfer/merger of licences consequent to compromise, arrangements or amalgamation of companies shall be allowed where market share for access services in respective service area of the resultant entity is upto 50%. In case the merger or acquisition or amalgamation proposals results in market share in any service area(s) exceeding 50%, the resultant</td>
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<td>entity should reduce its market share to the limit of 50% within a period of one year from the date of approval of merger or acquisition or amalgamation by the competent authority. If the resultant entity fails to reduce its market share to the limit of 50% within the specified period of one year, then suitable action shall be initiated by the licensor.</td>
<td>of one year from the date of approval of merger or acquisition or amalgamation by the competent authority. If the resultant entity fails to reduce its market share to the limit of 50% within the specified period of one year, then suitable action shall be initiated by the licensor.</td>
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| k) Consequent upon the implementation of scheme of compromises, arrangements or amalgamation and merger of licenses in a service area thereupon, the total spectrum held by the Resultant entity shall not exceed 25% of the total spectrum assigned for access services and 50% of the spectrum assigned in a given band, by way of auction or otherwise, in the concerned service area. The bands will be as counted for such cap in respective NIAS for auction of spectrum. In respect of 800 MHz band, the ceiling will be 10 MHz. Moreover, the relevant conditions pertaining to auction of that spectrum shall apply. In case of future auctions, the relevant conditions prescribed for such auction shall be applicable. However, in case transferor and transferee company had been allocated one block of 3G spectrum through the auction conducted for 3GIBWA spectrum in 2010, the resultant entity shall also be allowed to | k) Consequent upon the implementation of scheme of compromises, arrangements or amalgamation and merger of licenses in a service area thereupon, the following conditions shall apply on the Resultant entity with respect to spectrum caps.  
(i) The total spectrum held by the Resultant entity shall not exceed 35% of the total spectrum assigned for access services, by way of auction or otherwise, in the concerned service area.  
(ii) The combined spectrum holding in the sub-1 GHz bands (700 MHz, 800 MHz and 900 MHz bands) by the Resultant entity shall not exceed 50% of the total spectrum assigned in the sub-1 GHz bands, by way of auction or otherwise, in the concerned service area.  
(iii) The principles applied in NIA of August 2016 for calculation of spectrum cap shall continue to be |
| retain two blocks of 3G spectrum in respective service areas as a result of compromises, arrangements and amalgamation of the companies and Transfer/Merger of various categories of Telecommunication service licences/ authorisation under Unified Licence (UL), being within 50% of spectrum band cap. | applied while calculating revised overall as well as sub-1 GHz spectrum cap. (iv) In case transferor and transferee company had been allocated one block of 3G spectrum (2100 MHz) through the auction conducted for 3G/BWA spectrum in 2010, the resultant entity shall be allowed to retain two blocks of 3G spectrum (2100 MHz) acquired through the afore-mentioned auction in respective service areas as a result of compromises, arrangements and amalgamation of the companies and Transfer/ Merger of various categories of Telecommunication service licences/ authorisation under Unified Licence (UL). |

| 2. The afore-mentioned amendments in the Merger and Acquisition Guidelines, 2014 shall come into effect immediately. |  |

(Nand Kishor Bijaraniyan)  
ADG (AS-V)  
For and on behalf of the President of India  
Tel: 011-23036416

To,  
Director (IT) for publishing on the web-site of Department of Telecommunications