PROCEDURE FOR FILING PETITION / APPEAL BEFORE TDSAT

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

2022

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL TELECOM

PROCEDURE FOR FILING PETITION / APPEAL BEFORE TDSAT

2022

First Edition: 20th November, 2006
Second Edition: 10th March, 2022

© TDSAT, Government of India, New Delhi

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without the written permission of the publisher.

Published and printed by Biresh Kumar, Registrar, TDSAT for and on behalf of TDSAT, Hotel Samrat, New Delhi-110021

Shiva Kirti Singh
Former Judge, Supreme Court of India

सत्यमेव जयते

Chairperson
Telecom Disputes Settlement & Appellate Tribunal
367, 3rd Floor, Hotel Samrat,
Kautilya Marg, Chanakyapuri,
New Delhi-110 021
Tel. (Off.) :+91-11-26882176
Fax (Off.) :+91-11-21610461
E-mail: justice.shivaksingh@gov.in

FOREWORD

It is a matter of immense satisfaction for me to release the second edition of the Telecom Disputes Settlement and Appellate Tribunal Procedure, 2005 and the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and Fee for filing an Appeal) Rules, 2003 (as amended up-to-date) in e-book format in addition to print format. Preceded by large number of amendments to the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the last one came into effect on 26.03.2021. The first edition of the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, along with Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and Fee for filing an Appeal) Rules, 2003 so far remains the only edition. It was published in 2006 and its up-to-date publication was long overdue. The compilation is divided into two parts. The first part contains the updated Procedures of 2005 and Rules of 2003. Part II additionally contains all the 10 amendments for the convenience of all the stakeholders.

I place on record my appreciation of efforts put in by the Registrar and others associated with him in bringing out this updated edition.

I strongly recommend all the Ld. Advocates and other stakeholders to spend time in studying the procedures for ultimate benefit of the litigants.

Sksingh

(Shiva Kirti Singh)
Chairperson

New Delhi
2nd March, 2022

SUBODH KUMAR GUPTA
MEMBER
Telecom Disputes Settlement &
Appellate Tribunal

सत्यमेव जयते

R. No. 368, 3rd Floor,
Hotel Samrat Kautilya Marg,
Chanakyapuri, New Delhi-110 021
Tel. : Off. : 26882417
e-mail : member1.tdsat@nic.in

MESSAGE

It is a matter of delight for me to present the updated 2nd edition of the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005 and the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and Fee for filing an Appeal) Rules, 2003 as amended up-to-date in e-book format in addition to its hard copy. The Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005 was published initially in 2005 along with the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and Fee for filing an Appeal) Rules, 2003 but the same has undergone various amendments. The present compilation is divided into two parts, 1st containing the up-to-date amended version of the Procedures of 2005 and Rules of 2003 and the 2nd part is compilation of all the amendments and important notices.

I hope that the amended Procedures will be very beneficial for the Bar as well as the justice seekers.

(Subodh Kumar Gupta)
Member

New Delhi
02.03.2022

बीरेश कुमार
निबंधक

Biresh Kumar
Registrar

सत्यमेव जयते

भारत सरकार
संचार मंत्रालय
दूरसंचार विवाद समाधान एवं अपील अधिकरण
होटल सम्राट, कौटिल्य मार्ग, चाणक्यपुरी, नई दिल्ली -110021.
Government of India
Ministry of Communications
Telecom Disputes Settlement & Appellate Tribunal
Hotel Samrat, Kautilya Marg,
Chanakyapuri, New Delhi-110021.

PREFACE

I am delighted to come up with the second edition of the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005 and the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and Fee for filing an Appeal) Rules, 2003 (as amended up-to-date), continuing the promise to facilitate all those who come to the Telecom Disputes Settlement and Appellate Tribunal for adjudication or redressal of their disputes. The second edition of the compilation is divided into two parts and a second part has been incorporated which comprises the Schedule containing the amendments Important Notices and formats so far. It shall be available on the website of the Telecom Disputes Settlement and Appellate Tribunal in e-book format apart from the print format. The e-book has been developed in mobile friendly design.

We have every hope that the edition would be very beneficial and guide all those who are desirous of obtaining information on the Procedure, Fee etc. and to file a Petition / Appeal before the Telecom Disputes Settlement and Appellate Tribunal (TDSAT).

New Delhi
24/02/2022

(Biresh Kumar)
Registrar

दूरभाष/Tel.: +91-26882173 फैक्स/Fax : +91-11-24122218 • ई -मेल/Email.: registrar.tdsat@nic.in

Message from The Director, TDSAT

विवेक श्रीवास्तव
निदेशक

Vivek Srivastava
Director

सत्यमेव जयते

भारत सरकार
संचार मंत्रालय
दूरसंचार विवाद समाधान एवं अपील अधिकरण
होटल सम्राट, कौटिल्य मार्ग, चाणक्यपुरी, नई दिल्ली-110 021
Government of India
Ministry of Communications
Telecom Disputes Settlement & Appellate Tribunal
Hotel Samrat Kautilya Marg,
Chanakyapuri, New Delhi-110 021

MESSAGE

It is our privilege to present the updated compilation containing 'Telecom Disputes Settlement and Appellate Tribunal Procedures 2005' and 'The Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and Fee for filing an Appeal) Rules, 2003.' This compilation would facilitate all those who approach the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) for filing Petition / Appeal / Miscellaneous Application or other pleadings. This compilation shall be available on the TDSAT Website *https://tdsat.gov.in* in the e-book format and physical copies shall be made available to the members of the Bar.

Vivek

(Vivek Srivastava)
Director

New Delhi
24.02.2022

दूरभाष/Tel. : +91-11-24104702 फैक्स/Fax : +91-11-24122218 ई-मेल/E-mail : director.tdsat@nic.in

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

Room No.478, Hotel Samrat, Kautilya Marg,
Chanakyapuri, New Delhi-110021.
Phone : 91-11-24102563, 26873411- 011-26876882
E-mail: tdsat@nic.in
Visit at : - https://tdsat.gov.in

Registrar

Mr. Biresh Kumar - 26882173 (Office)

Director

Mr. Vivek Srivastava - 24104702 (Office)

Deputy Registrar

Mr. Sanjeev Pandey - 24610460 (Office)

Accounts Officer

Mr. N.K.Arora - 21610459 (Office)

Administrative Officer

Mr.Sujeet Gamgopadhyay - 21610454(Office)
24122218 (fax)

Desk Officer

Mr. Rajesh Kumar Pant - 216104671 (Office)

Court Master

Mr. D.B. Chetri - 21610449 (Office)

Table of Contents

Part –I

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

Page No.

i. Foreword by the Hon'ble Chairperson 5

ii. Message from The Hon'ble Member TDSAT 6

iii. Preface 7

iv. Message From The Director , TDSAT 8

v. Directory 9

1. Short title and commencement – 15

2. Definitions- 15

3. Language of the Tribunal– 16

4. Procedure for filing Petition / Appeal / Miscellaneous Application and other Pleadings:- 16

5. Date of presentation of Petition / Appeal / Miscellaneous Application / other pleadings- 22

6. Rejection or Amendment of Petition / Appeal- 22

7. Document authorizing representative to be attached to the Petition / Appeal-23

8. Filing of authorization at a later stage- 24

9. Listing of a Petition / Appeal / Misc. Application- 24

10. Date and Place of hearing to be notified- 25

11. Hearing of Petition / Appeal- 25

12. Action on Petition / Appeal for Petitioner's / Appellant's default- 26

13. Hearing of Petition / Appeal / Misc. Application ex-parte- 26

14. Proceedings before the Tribunal shall be guided by the principles of natural justice and the provisions of the Act. 26

15. Continuance of proceedings after death or adjudication as an insolvent of a party to the Petition / Appeal - 27

16. Adjournment of Petition / Appeal / Misc. Application - 28

17. Proceedings to be open to public- 28

18. Orders of the Tribunal- 28

19. Change of authorized representative - 28

20. Communication of orders to parties - 29

21. Copies of orders / pleadings: 29

22. Inspection of records- 29

23. Orders and directions in certain cases- 29

24. Working hours of the Registry- 29

25. Sitting of the Tribunal- 30

26. Officers of the Tribunal and their functions- 30

27. Additional powers and duties of the Registrar- 31

28. Seal and Emblem: 31

29. Interpretation: 31

Chapter A 32

Chapter B 46

Proforma Of Petition 48

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL(FORM,VERIFICATIONANDTHEFEEFOR FILING AN APPEAL) RULES, 2003

1. Shorttitleandcommencement- 51
2. Definitions- 51
3. TheformandverificationwhilefilinganAppeal- 52
4. FeeforfilinganAppeal- 52
5. Procedureforserviceofnotices- 52
6. FormA- 55

Part–II

AmendmentstotheTDSATProcedures.&ImportantNotices and Formats

1. Amendment-1of2006 60
2. Amendment-2of2006 63
3. NoticeNo1/2008/Judl./Dated11/10/2010onadvaloremcourtfee 67
4. Amendment3of2014 68
5. Amendment4of2017 83
6. Amendment5of2018 85
7. Amendment6of2021 86
8. NoticeNoMisc1/2005/Judl./TDSAT,Dated26/03/2021.FilinginA4 87
9. NoticeDated22/09/2021regardingonLinefiling 88
10. RequisitionSlipforMentioningofCases 89
11. Amendment7 of 2024 90
12 Amendment8 of 2025 91
13 Amendment9 of 2025 92

PART -I

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997, the Telecom Disputes Settlement and Appellate Tribunal makes the following procedures to regulate its functions: -

1. Short title and commencement –

(i) These may be called "Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005."

(ii) They shall come into force on 12th December, 2005.

2. Definitions-

In these procedures, unless the context otherwise requires: -

(i) `Act' means Telecom Regulatory Authority of India Act, 1997.

(ii) `Bench' means the Bench of the Tribunal and includes the full Bench, a division Bench and a single Member Bench.

(iii) `Certified copy' means a copy including a Photostat copy of an original order of the Tribunal duly attested by the concerned officer of the Tribunal.

(iv) `Chairperson' means the Chairperson of the Telecom Disputes Settlement and Appellate Tribunal.

(v) `Member' means Member of the Telecom Disputes Settlement and Appellate Tribunal and includes the Chairperson of the Tribunal.

(vi) `Prescribed' means prescribed by or under these procedures.

Go to Index

(vii) `Registrar' means the person who is for the time being discharging the functions of the Registrar of the Telecom Disputes Settlement and Appellate Tribunal.

(viii) `Registry' means the office of the Telecom Disputes Settlement and Appellate Tribunal.

(ix) `Tribunal' means Telecom Disputes Settlement and Appellate Tribunal established under the Section-14 of the Telecom Regulatory Authority of India Act, 1997.

3. Language of the Tribunal–

The language of the Tribunal shall be English: - Provided that the Bench may in its discretion permit the use of Hindi in its proceedings.

4. Procedure for filing Petition / Appeal / Miscellaneous Application and other Pleadings: -

(i) An advocate representing a party in a case shall file a duly executed Vakalatnama bearing court stamp of Rs.2.75;

(ii) [11]Parties / Counsels will be required to file one original and four copies of the Petition / Appeal / Miscellaneous Application and all other Pleadings;

Go to Index

(iii) Wherever any page of a document is not legible, a typed copy shall be annexed.

(iv) The Petition shall be in the proforma appended to these procedures. The Appeal shall be in the Form-A appended to the Telecom Disputes Settlement and Appellate Tribunal (Form,

[11] Subs. and modified by Amendment-8 of 2025

Verification and the Fee for filing an Appeal) Rules, 2003 notified by the Central Government in the Gazette of India on 2nd April, 2003.

(v) The contents of the Petition / Appeal / Miscellaneous Application / Counter Affidavit etc. shall be supported by a verification regarding their correctness by the Petitioner / Appellant / Applicant or Respondent or the person authorized to sign Petition / Appeal / Miscellaneous Application / Counter Affidavit etc.

(vi) Before filing any Petition / Appeal / Miscellaneous Application / other Pleadings before the Tribunal, a copy of the same shall be served on the opposite parties and proof of service necessarily be enclosed.

(vii) Pagination of the cases filed before the Tribunal shall be in continuous manner beginning from the Petition / Appeal along with Annexure. Counter Affidavit, Rejoinder and other Miscellaneous Applications etc. filed from time to time shall follow ad seriatim. The Petition / Appeal, Counter Affidavit, Rejoinder etc. shall be retained in the same volume. However, if the number of pages of the documents on an average exceeds 200, a separate volume numbered as "Volume-II" and so on shall be prepared. The index page of Volume-I shall be formatted in a manner that leaves enough space for additional entries to be made in regard to the documents submitted subsequently;

(viii) The parties concerned shall do proper pagination while filing the Petitions /Appeals, Counter Affidavit and Rejoinder etc. The concerned

Advocate(s) or their representatives shall obtain the last page of the volume already on file from the Registry of the Tribunal and shall arrange to paginate their documents in continuation and in coordination with the officials of the Registry in all the copies.

4 (ix)[1] Computation of fees payable on Petitions / Appeals /Miscellaneous Applications:-

Petition / Appeal / Miscellaneous Application shall accompany the required fees in the form of a Demand Draft, in favour of the Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal. The fees for filing an Appeal shall be as provided in the Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fees for Filing an Appeal) Rules, 2003. The fees for filing a Miscellaneous Application shall be Rs.1,000/-

4 (ix) (A)[2] The amount of fees payable on Petitions, next hereinafter mentioned, filed before the Telecom Disputes Settlement and Appellate Tribunal shall be Rs.5000/-.

(i) Petition seeking declaratory relief with consequential relief.

(ii) Petition seeking directions, injunction and permanent injunction.

(iii) Petition seeking enforcement of Regulations framed by Telecom Regulatory Authority of India under the Telecom Regulatory Authority of India Act, 1997 (as amended).

---

[1] Subs. and modified by Amendment-1 and Amendment-2 of 2006.

[2] Subs. and modified by Amendment-1 and Amendment-2 of 2006.

(iii) Any other Petition not covered above shall also be accompanied with fees of Rs.5000/-.

Provided that the fees for filing Petitions / Claims / Suits in the nature of recovery of money or an outstanding amount, before Telecom Disputes Settlement and Appellate Tribunal shall be computed as follows:

(i) in Petitions / Claims / Suits for money (including those for damages or compensation or total outstanding) due on the date of filing of Petitions / Claims / Suits and

(ii) [3]in Petitions / Claims / Suits for money payable periodically under the terms of the agreement between the parties:-

(a) Rs.5,000/- or an ad valorem rate of 1.5% of the total amount / sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is upto Rs.2.0 Crore, whichever is more;

(b) an ad valorem rate of 1%, over and above the fees computed at (a) above, of the total amount / sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is more than Rs.2.0 Crore but upto Rs.5.0 Crore.

(c) an ad valorem rate of 0.5%, over and above the fees computed at (b) above, of the total amount / sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is more than Rs.5.0 Crore, subject to a maximum fees of Rs.50.0 Lakhs.

---

[3] Please see notice no 1/2008/Judi./ Dated 11/10/2010 on levy of ad valorem court fee.

4 (ix) (B)[4] Decision on questions as to valuation-

(i) Every question relating to valuation for the purpose of determining the amount of fees chargeable on Petitions /

(ii) Claims / Suits under the proviso to Procedure-4 (ix) (A) shall be decided by the Bench of the Telecom Disputes Settlement and Appellate Tribunal and such decision shall be final as between the parties to the Petitions / Claims / Suits.

(iii) Whenever a question of valuation is placed before the Bench for consideration and the Bench determines the proper fees payable on such Petitions / Claims / Suits, the proceedings in such Petitions / Claims / Suits shall be stayed until such time as the proper fee is paid. If the proper fee is not paid within such time as the Bench shall fix, the Petitions / Claims / Suits shall be dismissed.

4 (ix) (C)[5] Exemption from payment of fees-

The Bench of the Telecom Disputes Settlement and Appellate Tribunal, either on an application made by the party filing a Petition / Claim / Suit / Miscellaneous Application or suo moto, may exempt the party, in deserving cases, from payment of fees required under the Procedures-4 (ix), 4 (ix) (A) and proviso to Procedure-4 (ix) (A) of the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005.

4 (ix) (D)[6] Refund of fees- Where the dispute between the parties in the Petition / Claim /Suit, filed before the Telecom Disputes Settlement and

---

[4] Subs. and modified by Amendment-1 of 2006.

[5] Subs. and modified by Amendment-2 of 2006.

Appellate Tribunal, is settled without adjudication by the Telecom Disputes Settlement and Appellate Tribunal, the Bench of the Telecom Disputes Settlement and Appellate Tribunal may, on an application moved in this regard, order refund of such fees, paid by the party to the Telecom Disputes Settlement and Appellate Tribunal under the proviso to Procedure-4 (ix) (A), as it feels appropriate to the facts and circumstances of such Petition / Claim / Suit.

4(ix) (E)[7] Notwithstanding anything contained in Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005 (as amended), the mode of payment of Court fee, penalty, etc., shall be by way of e-payment through the website of Telecom Disputes Settlement and Appellate Tribunal i.e. **www.tdsat.gov.in**

4 (x) Interim prayers, if any, shall form part of the Petition / Appeal and no separate application in this regard may be filed.

4 (xi)[8] No fees shall be payable on filing of Affidavits including additional Affidavits.

4 (xii) No fee shall be charged for filing an application for `Condonation of delay' or `Urgent hearing';

4 (xiii) Timings for filing the documents in the Registry shall be from 10:00 a.m. to 04:00 p.m. on all working days. No documents shall be accepted by the Registry beyond these timings;

---

[6] Inserted by Amendment-2 of 2006
[7] Inserted by Amendment 5 of 2018
[8] Modified by Amendment-1 of 2006

4 (xiv) All documents / pleadings in a case shall be filed before 12:00 noon where the case is listed on the next working day.

4 (xv) The Registry shall deliver copies of order or any other document only to the Advocates / Law Firms or their Authorized Representatives or persons who are parties to the proceedings.

Go to Index

5. Date of presentation of Petition / Appeal / Miscellaneous Application / other pleadings-

The Registrar or, as the case may be, the officer authorized by him, shall endorse on every Petition / Appeal / Misc. Application / other pleadings the date on which it is presented and shall sign the endorsement.

6. Rejection or Amendment of Petition / Appeal-

(i) The Tribunal may, in its discretion, on sufficient cause being shown, accept a Petition / Appeal which is not accompanied by the required documents or is in any other way defective, and in such cases may require the Petitioner / Appellant to file such documents or, as the case may be to remove the defects by making the necessary amendments within such time as it may allow.

(ii) The Tribunal may reject the Petition / Appeal referred to in 6 (i) above, if the documents referred to, therein are not produced, or defect not removed or the amendments are not made, within 90 days from the filing of the Petition / Appeal.

(iii) On re-presentation of any Petition / Appeal after making the necessary amendments referred to in 6 (i) above, the Petition /

Appeal shall be signed and dated by the officer competent to make the endorsement under (5) above.

(iv) The Chairperson may in his discretion authorize any officer of the Tribunal to return any Petition / Appeal or document(s) which is / are not in accordance with the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005. The officer so authorized may, however, allow the documents to be re-filed after removal of the defects within the specified time prescribed in 6 (ii) above.

Provided that on re-presentation, the Bench may in its discretion either accept the Petition / Appeal in terms of 6(i) above or reject the same in terms of 6(ii) above but the Petition / Appeal may not be restored to its original number unless the Bench allows it to be so restored on sufficient cause being shown.

7. Document authorizing representative to be attached to the Petition / Appeal-

(i) Where the parties to a Petition / Appeal are being represented in such Petition / Appeal by authorized representatives, the documents authorizing such representatives to appear on their behalf shall be appended to the Petition / Appeal if they are signed by the authorized representatives and the said documents shall indicate clearly the status of the authorized representatives and their qualifications to act as authorized representatives under the Act.

Provided that where the authorized representative is a legal practitioner, such document of authorization shall be a duly executed vakalatnama.

(ii) The document in 7 (i) above may be an authorization letter / copy of resolution passed by the Board of Directors, or the Managing Committee or any other authority competent under the Articles of Association / Rules of the organization, authorizing the applicant to file the case before the Tribunal;

Go to Index

8. Filing of authorization at a later stage-

(i) Subject to the satisfaction of the Bench in cases where an authorized representative known to the Bench has been engaged but is unable to file immediately the document authorizing him to appear and plead along with the Petition / Appeal for any reason, he may file a Memo of Appearance along with an undertaking to file the duly executed vakalatnama in lieu of the document of authorization for such time as the Bench may in its discretion allow.

(ii) In case the direction of the Bench, including extended time, if any, is not followed, the Bench may in its discretion withhold the issue of the order or stay its operation till the compliance is duly made and / or refrain from extending the facilities in future.

9. Listing of a Petition / Appeal / Misc. Application-

(i) On receipt of a Petition / Appeal / Misc. Application in the Registry, scrutiny of the same will be done. Objections, if any, shall be

communicated to the concerned parties / counsel. If a case is found in order, the same shall be listed on any suitable working day after at least one week of filing. However, the party / counsel can make an application for urgent listing of the matter, and their request shall be considered by the Registry for urgent listing on the next working day as far as possible and if it has any objection in this regard, except clear objections as to the adherence of the laid down procedure for filing the application, the case should be submitted along with its objections for the decision of the Bench.

(ii) Mentioning of a case / matter may be made by the party / counsel at the start of proceedings of the Bench at 10:30 a.m. on any working day

10. Date and Place of hearing to be notified-

(i) The Tribunal shall notify to the parties the date and place of hearing of the Petition / Appeal / Misc. Application.

(ii) The issue of notice referred to in 10 (i) above shall not by itself be deemed to mean that the Petition / Appeal has been admitted.

11. Hearing of Petition / Appeal-

(i) On the day fixed, or on any other day to which the hearing may be adjourned, the Petitioner / Appellant shall be heard in support of the Petition / Appeal.

(ii) The Tribunal shall then, if necessary, hear the respondent against the Petition / appeal and in such a case the respondent shall be entitled to reply.

12. Action on Petition / Appeal for Petitioner's / Appellant's default-

Where on the day fixed for the hearing of the Petition / Appeal or on any other day to which such hearing may be adjourned, the Petitioner / Appellant does not appear when the Petition / Appeal is called on for hearing, the Tribunal may, in its discretion, either dismiss the Petition / Appeal for default or hear and decide it on merits.

Provided that where the Petition / Appeal has been dismissed for default and the Petitioner / Appellant appears or files a Misc. Application, and satisfies the Tribunal that there was sufficient cause for non-appearance when the Petition / Appeal was called on for hearing, the Tribunal may allow restoration of the Petition / Appeal.

13. Hearing of Petition / Appeal / Misc. Application ex-parte-

Where on the day fixed for hearing of the Petition / Appeal / Misc. Application or on any other day to which the hearing is adjourned the Petitioner / Appellant / Applicant appears and the respondent does not appear when the Petition / Appeal / Misc. Application is called on for hearing, the Tribunal may hear and decide the Petition / Appeal / Misc. Application ex-parte.

14. Proceedings before the Tribunal shall be guided by the principles of natural justice and the provisions of the Act.

If any particular proceedings require a trial to be conducted then the Tribunal shall first settle the points for determination based on the pleadings of the parties. Any evidence to be led by the parties in support of their case shall be

filed by way of affidavits of the witnesses concerned whose list shall be filed in the Tribunal immediately after the determination of points for consideration. If the Tribunal so desires on its own motion or on the request of the parties, it may direct the presence of the deponent of the affidavit for cross-examination. Notwithstanding the above procedure, if the Tribunal, after considering the facts of any particular case, is of the opinion that any other procedure for trial should be adopted which is more suited for the disposal of such cases, the Tribunal may then follow such a procedure after making the parties known of such procedure in advance and such procedure shall also follow the directions found in Section-16 of the Act.

15. Continuance of proceedings after death or adjudication as an insolvent of a party to the Petition / Appeal -

Where in any proceedings the Petitioner / Appellant or a Respondent dies or is adjudicated as an insolvent or in the case of a company is being wound up, the Petition / Appeal shall abate, unless an application is made for continuance of such proceedings by or against the successor-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the Petitioner / Appellant or Respondent, as the case may be.

Provided that every such application shall be made within a period of sixty days of the occurrence of the event.

Go to Index

Provided further that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the period

so specified, allow it to be presented within such further period as it may deem fit.

16. Adjournment of Petition / Appeal / Misc. Application -

The Tribunal may, on such terms as it thinks fit and at any stage of the proceedings, adjourn the hearing of the Petition / Appeal / Misc. Application.

17. Proceedings to be open to public-

The proceedings before the Tribunal shall be open to the public:

Provided that the Tribunal may, if it thinks fit, order at any stage of the proceedings of any particular case that the public generally or any particular person shall not have access to, or be or remain in, the room or building used by the Tribunal.

18. Orders of the Tribunal-

Every order of the Tribunal shall be in writing and shall be signed by the Members constituting the Bench.

Go to Index

19. Change of authorized representative -

In case Petitioner / Appellant / Respondent changes the person authorized to represent him after the filing of the Petition / Appeal then the fact of such a change may be indicated by way of memorandum addressed to the Tribunal or an endorsement or Vakalatnama or document of authorization and upon such communication or endorsement the Bench may not insist on filing of a no-objection certificate from the previous authorized representative except where in the opinion of the Bench it was called for in a given case.

20. [9]Communication of orders to parties -

Any order passed in regard to the Petition / Appeal / Misc. Application shall be communicated to the Petitioner / Appellant / Applicant and the Respondent either in person or by Registered Post.

21. Copies of orders / pleadings:

(i) The Registry will supply copies of certified and uncertified orders of the Tribunal on demand and on payment of a fee of Rs.3/- per page and Rs.2/- per page respectively.

(ii) Copies of pleadings in a decided case would be supplied, on demand, after payment of Rs.2/- per page.

22. Inspection of records-

For inspection of any case file / document the concerned party / counsel shall be required to make an application to the Registry. No inspection of the file / document shall be allowed on a day when the case has been listed on the next working day.

23. Orders and directions in certain cases-

The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to in relation to its orders or to prevent abuse of its process or to secure the ends of justice.

24. [10]Working hours of the Registry-

Working hours of the Registry- Except on 2nd and 4th Saturdays, Sundays and holidays as per Telecom Disputes Settlement and Appellate Tribunal Calendar, the

[9] Inserted vide Amendment NO 6 of 2021 Dated26th March 2021.

[10] Subs. and modified by Amendment-7 of 2024

Registry shall, subject to any order made by the chairperson, be open daily from 10:00 a.m. to 5:30 p.m."

25. Sitting of the Tribunal-

(i) The Tribunal shall ordinarily not hold sittings on Saturdays, nor on any Sundays and other Central Government holidays.

(ii) The Tribunal shall ordinarily sit at 10:30 a.m.

26. Officers of the Tribunal and their functions-

(i) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these procedures or by the Chairperson by a separate order.

(ii) The Registrar may, with the approval of the Chairperson delegate to any officer of the Tribunal any function required by these procedures to be exercised by the Registrar.

(iii) The official Seal shall be kept in the custody of the Registrar or any other authorized officer.

(iv) Subject to any general or special directions given by the Chairperson, the Seal of the Tribunal shall not be affixed to any order or other processes save under the authority in writing of the Registrar [or other authorized officer].

(v) The Seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar [or any other officer].

27. Additional powers and duties of the Registrar-

In addition to the powers conferred by these procedures, the Registrar shall have the following powers and duties subject to any general or special order of the Chairperson, namely:-

(i) to require any Petition / Appeal / Misc. Application or other proceeding presented to the Tribunal to be amended in accordance with the practice and procedure of the Tribunal or to be re-presented after such requisition as the Registrar is empowered to make in relation thereto has been complied with;

(ii) subject to the directions of the Bench, to fix the date for hearing Petitions / Appeals / Misc. Applications or other proceedings and issue notices thereof;

(iii) to settle the index in cases where the record is prepared in the Tribunal.

(iv) to direct any formal amendment of record; and

(v) to order the grant of copies of documents to parties to proceedings, and to grant leave to inspect the records of the Tribunal under Procedure-22 above.

28. Seal and Emblem:

The official Seal and Emblem of the Tribunal shall be such as the Chairperson may prescribe.

29. Interpretation:

In case of any doubt as to the interpretation to these procedures, the matter shall be placed before the Hon'ble Chairperson who shall have the

power to modify, waive and exempt the operation of any of these procedures by specific or general direction.

Go to Index

CHAPTER-A

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL (TDSAT) MEDIATION PROCEDURES

These Procedures will apply to all mediations connected with any Petition or other proceeding pending before the Telecom Disputes Settlement and Appellate Tribunal (referred to hereafter as TDSAT or Tribunal). These will also apply to pre-litigation matters that come up for mediation before the Mediation Centre of the Tribunal. The mediation in respect of any petition or other proceeding pending before the Tribunal may be referred to the Mediation Centre which is already functioning informally at the Tribunal. Upon such a reference being made to the Centre, the same will be governed by the present Procedures. These Procedures shall come into force from the date of their notification on the official website of TDSAT, i.e. www.tdsat.nic.in.

Procedure-(i)- Procedure for directing Parties to opt for mediation	The Tribunal may, after recording admissions and denials of the parties to a Petition or any proceeding, at the first hearing or at any subsequent hearing where it appears to the Tribunal that there exist elements of a settlement through mediation which may be acceptable to the parties, at the consensus of parties, refer the case for mediation.
Procedure-(ii)- Tribunal to give guidance to parties while referring the matter to Mediation	While referring the matter to the Mediation Centre under Procedure-(i), the Tribunal may give such guidance as it deems fit to the parties, by drawing their attention to the following relevant factors which parties should take into account, before they exercise their option to go for

Centre	mediation, namely:
	(i) that it will be to the advantage of the parties, so far as time and expense are concerned, rather than seeking a trial on the disputes arising in the Petition; (ii) that, where there is a relationship between the parties which requires to be preserved, commercial or otherwise; (iii) that, where parties are interested in a final settlement which may lead to a compromise.
Procedure-(iii)- Failure of attempts to settle disputes by mediation	Where a Petition has been referred for settlement for mediation and has not been settled or where it is felt by the mediator that it would not be proper in the interests of justice to proceed further with the matter, the Petition shall be referred back again to the Tribunal with a direction to the parties to appear before the Tribunal on a specific date as may be specified by the Registrar.
Procedure-(iv)- Appointment of Mediator	(a) Parties to a Petition or other proceeding may agree on the name of the sole mediator or joint mediator out of the panel of mediators under Procedure-(v) for mediating between them. (b) The mediator so appointed or nominated, under Clause-(a), should not be a person who suffers from the disqualifications referred to in Procedure-(vii).
Procedure-(v)- Panel of mediators	(a) The Tribunal shall, for the purpose of appointing the mediator between the parties in Petitions or proceedings, prepare a panel of the mediators and put the same on the Notice Board and official website of the TDSAT within 30 days of coming into

	force of these Procedures, with copy to the respective mediators. (b) The consent of the persons whose names are included in the panel shall be obtained before empaneling them. (c) The panel shall contain Annexure giving details of the qualifications of the mediators and their professional or technical experience in different fields. (d) The panel of mediators appointed under Clause-(a) shall normally be for a period of 3 years from the date of appointment and further extension of the panel of mediators or any mediator shall be at the discretion of the Tribunal, as the case may be.

Procedure-(vi)- Qualifications of persons to be empanelled under Procedure-(v)	The following persons may be enlisted in the panel of mediators under Procedure-(v), namely: (a) Retired District and Sessions Judges or Officers of any higher Judicial Service. (b) Legal practitioners with at least 15 years standing at the Bar at the level of the Supreme Court or the High Court or the District Courts. (c) Experts or other professionals with at least 15 years standing; or retired senior bureaucrats or retired senior executives; (d) Persons who are themselves experts in the mediation, irrespective of experience in conducting mediations who have done 40 hours training of mediation under any government body. (e) Institutions which are themselves experts in

	mediation and have been recognized as such by the Tribunal, provided the names of its members are approved by the Tribunal initially or wherever there is a change in membership.
Procedure-(vii)- Disqualifications of Persons	The following persons shall be deemed to be disqualified for being empanelled as mediators: (a) Any person who has been adjudged as insolvent or persons (i) Against whom criminal charges involving moral turpitude are framed by a criminal court and are pending; or (ii) Persons who have been convicted by a criminal court for any offence involving moral turpitude. (b) Any person against whom disciplinary proceedings have been initiated by the appropriate disciplinary authority which are pending or have resulted in a punishment. (c) Such other categories of persons as may be notified by the Tribunal.
Procedure-(viii)- Addition to or deletion from panel	The Tribunal, may in its discretion, from time to time, add or delete any person in the panel of mediators.
Procedure-(ix)- Preference	The Tribunal may, while nominating any person from the panel of mediators referred to in Procedure-(vi), consider his/her suitability for resolving the disputes(s) involved and give preference to those who have proven record of successful mediation or who have special

	qualification or experience in the mediation.

<u>Procedure-(x)</u>-Duty of the mediator to disclose certain facts.	(a) When a person is approached in connection with his proposed appointment as mediator, he shall disclose any circumstance likely to give rise to a reasonable doubt as to his / her independence or impartiality. (b) Every mediator shall from the time of his appointment and throughout continuance of the mediation proceedings, without delay, disclose to the parties, about the existence of any circumstance referred to in Clause-(a).
<u>Procedure-(xi)</u>- Withdrawal of appointment	The Tribunal may withdraw the appointment of a mediator and replace him / her by another mediator, if: (a) Upon information furnished by the mediator under Procedure-(x) or upon any other information received from the parties or other persons, if the Tribunal, in which the Petition or proceeding is pending, is satisfied, that the said information has raised a reasonable doubt as to the independence or impartiality of the mediator; or (b) Such person is interested or connected with the subject-matter of disputes(s) or is related to any one of the parties or to those who represent them, unless such objection is waived by all the parties in writing; or (c) Such person has or is appearing for any of the parties in the Petition or in other

	proceeding(s).
<u>Procedure-(xii)</u>- <u>Procedure of mediation</u>	(a) The parties may agree on the procedure to be followed by the mediator in the conduct of the mediation proceedings. (b) Where the parties do not agree on any particular procedure to be followed by the mediator, the mediator shall follow the procedure hereinafter mentioned, namely: (i) He/she shall fix, in consultation with the parties, a time schedule, the dates and the time of each mediation session, where all parties have to be present; (ii) He/she shall hold the mediation at the place prescribed by the Tribunal or the place where the parties and the mediator jointly agree; (iii) He / she may conduct joint or separate meetings with the parties;
	(iv) Each party shall furnish to the mediator, copies of pleadings or documents or such other information as may be required by him in connection with the issues to be resolved. Provided that where the mediator is of the opinion that he/she should look into any original document, the Tribunal may permit him/her to look into the original document before such office of the Tribunal and on

	such date or time as the Tribunal may fix. (v) Each party shall furnish to the mediator such other information as may be required by him in connection with the issues to be resolved.
Procedure-(xiii)- Mediator not bound by Indian Evidence Act, 1872 or Code of Civil Procedure, 1908	The mediator shall not be bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872, but shall be guided by the principles of natural justice, having regard to the rights and obligations of the parties, usages of trade, if any, and the circumstances of the dispute(s).
Procedure-(xiv)- Representation of parties	The parties shall ordinarily be present personally or through constituted attorney at the sessions or meetings notified by the mediator. However, they may be represented by the counsel with permission of the mediator in such sessions or meetings.
Procedure-(xv)- Consequences of non-attendance of parties at sessions or meetings on due dates	If a party fails to attend a session or a meeting notified by the mediator on account of deliberate or willful act, the other party or the mediator can apply to the Tribunal in which the Petition or proceeding is pending, in that case the Tribunal may issue the appropriate directions having regard to the facts and circumstances of the case, including imposition of costs.
Procedure-(xvi)- Administrative assistance	In order to facilitate the conduct of mediation proceedings, the parties, or the mediator with the consent of the parties, may arrange for administrative assistance by a suitable institution or person as may be prescribed by the Tribunal.

Procedure-(xvii)- Offer of settlement by parties	Any party to the Petition may, offer a settlement to the other party at any stage of the proceedings, with notice to the mediator.
Procedure-(xviii)- Role of mediators	The mediator shall attempt to facilitate voluntary resolution of the disputes(s) by the parties, and communicate the view of each party to the other, assist them in identifying issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and generating options in an attempt to solve the disputes(s), emphasizing that it is the responsibility of the parties to take decision which affect them; he/she shall not impose any terms of settlement on the parties.
Procedure-(xix)- Parties alone responsible for taking decision	The parties shall be made to understand that the mediator only facilitates in arriving at a decision to resolve disputes(s) and that he will not and cannot impose any settlement nor does the mediator give any assurance that the mediation will result in a settlement. The mediator shall not impose any decision on the parties.
Procedure-(xx)- Time limit for completion of mediation	On the expiry of 60 days from the date fixed for the first appearance of the parties before the mediator, the mediation shall stand terminated, unless the Mediator, either on his own, or upon request by any of the parties, and upon hearing all the parties, is of the view that extension of time is necessary or may be useful; but such extension shall not be beyond a further period of 30 days.
Procedure-(xxi)- Parties to act in good faith	All the parties shall commit to participate in the proceedings in good faith with the intention to settle the dispute(s), if possible, and also; 1. All parties shall adhere to these procedures in

	law and in spirit, 2. Cooperate the mediator during proceedings 3. Do not indulge in unwanted arguments and bad language 4. Follow the instructions given by the mediator for the administration of the mediation process.
<u>Procedure-(xxii)</u>- Confidentiality, disclosure and inadmissibility of information	(a) When a mediator receives factual information concerning the dispute(s) from any party, he may disclose the substance of that information to the other party, so that the other party may have an opportunity to present such explanation as it may consider appropriate. Provided that, when a party gives information to the mediator subject to a specific condition that it is to be kept confidential, the mediator shall not disclose that information to the other party. (b) Receipt or perusal, or preparation of records, reports or other documents by the mediator, while serving in that capacity shall be confidential and the mediator shall not be compelled to divulge information regarding those documents nor as to what transpired during the mediation before any court of law or any other authority or any person or group of persons. (c) Parties shall maintain confidentiality in respect of events that transpired during the mediation and shall not rely on or introduce the said

	information in other proceedings as to: (i) Views expressed by a party in the course of the mediation proceedings; (ii) Documents obtained during the mediation which were expressly required to be treated as confidential or other notes, drafts or information given by the parties or the mediator; (iii) Proposals made or views expressed by the mediator; (iv) Admission made by a party in the course of mediation proceedings; (v) The fact that a party had or had not indicated willingness to accept a proposal; (d) There shall be no stenographic or audio or video recording of the mediation proceedings. (e) No statement of parties or the witnesses shall be recorded by the mediator.
Procedure-(xxiii)- Privacy	The Mediation sessions or meetings would be conducted in privacy where the persons as mentioned in Procedure-(xiv) shall be entitled to represent parties. However, other persons may attend only with the permission of the parties and with the consent of the mediator.
Procedure-(xxiv)- Immunity	No mediator shall be held liable for anything bonafide done or omitted to be done by him/her during the mediation for civil or criminal action nor shall he/she be summoned by any party to the Petition or proceeding to appear in a Court of Law to testify in regard to information received by him or action taken by him or in respect of drafts or records prepared by

	him or shown to him during the mediation proceedings.
Procedure-(xxv)- Communication between mediator and the Tribunal	(a) In order to preserve the confidence of parties in the Tribunal and the neutrality of the mediator, there should be no communication between the mediator and the Tribunal related to any specific matter or case, except as stated in Clauses-(b) and (c) of this Procedure. (b) If any communication between the mediator and the Tribunal is necessary, it shall be in writing and copies of the same shall be given to the parties or the constituted attorney or the counsel. (c) Communication between the mediator and the Tribunal shall be limited to communication by the mediator: (i) With the Tribunal about the failure of the party to attend; (ii) With the Tribunal about the consent of the parties; (iii) Regarding his /her assessment that the case is not suited for settlement through the mediation; (iv) That the parties have settled the dispute(s).
Procedure-(xxvi)- Settlement Agreement	(a) Where an agreement is reached between the parties in regard to all the issues in the Petition or proceeding or some of the issues, the same shall be reduced to writing and signed by the parties or their constituted attorney. If any counsel has represented the

	parties, the mediator may obtain his/her signature also on the settlement agreement. (b) The agreement of the parties so signed shall be submitted to the mediator who shall, with a covering letter signed by him/her, forward the same to the Tribunal in which the Petition or proceeding is pending. (c) Where no agreement is arrived at between the parties, before the time limit stated in Procedure-(xx) or where, the mediator is of the view that no settlement is possible, he shall report the same to the Tribunal in writing.
Procedure-(xxvii)- Tribunal to fix a date for recording settlement and passing decree	(a) On receipt of any settlement, the Tribunal shall fix a date of hearing as early as possible. On such date of hearing, if the Tribunal is satisfied that the parties have settled their dispute(s), it shall pass a decree in accordance with terms thereof. (b) If the settlement dispose of only certain issues arising in the Petition or proceeding, on the basis of which any decree is passed as stated in Clause-(a), the Tribunal shall proceed further to decide remaining issues.
Procedure-(xxviii)- Fee of mediator and costs	(a) Fee to the mediators shall be fixed by the Tribunal by issue of office order from time to time as may be required. (b) As far as possible, a consolidated sum per case or matter may be fixed rather than for each session or meeting. There may be variation in fee for successful mediation with other mediations.

	(c) The expense of the mediation including the fee of the mediator, costs of administrative assistance, and other ancillary expenses concerned, shall be paid by TDSAT or as may be otherwise directed by the Tribunal. (d) The expense of the mediation including fee, if not paid by the parties in case of direction of the Tribunal to this effect, the Tribunal shall, on the application of the mediator or the parties, direct the concerned parties to pay, and if they do not pay, the Tribunal shall recover the said amounts as if there was a decree for the said amount.
Procedure-(xxix)- Pre-Litigation Mediation	(a) For Pre-litigation mediation, application by any party may be made to the Registry of TDSAT. (b) There shall be fee, payable to TDSAT for pre-litigation matters as may be fixed by order by the Tribunal from time to time as may be required. (c) The Registry will allocate the matter to a suitable mediator on the panel.
Procedure-(xxx)- Ethics to be followed by mediator	The mediator shall: 1. Follow and observe these Procedures strictly and with due diligence; 2. Not carry on any activity or conduct which could reasonably be considered as conduct unbecoming of a mediator; 3. Uphold the integrity and fairness of the mediation process; 4. Ensure that the parties involved in the mediation are fairly informed and have an adequate

	understanding of the procedural aspects of the process; 5. Satisfy himself/herself that he/she is qualified to undertake and complete the assignment in a professional manner; 6. Disclose any interest or relationship likely to affect impartiality or which might seek an appearance of partiality or bias; 7. Avoid, while communicating with the parties, any impropriety or appearance of impropriety; 8. Be faithful to the relationship of trust and confidentiality imposed in the office of mediator; 9. Conduct all proceedings related to the resolutions of a dispute, in accordance with the applicable law; 10. Recognize that the mediation is based on principles of self-determination by the parties and that the mediation process relies upon the willingness of parties to reach a voluntary agreement; 11. Maintain strict confidentiality; 12. Refrain from promises or guarantees of results.
Procedure-(xxxi)- Transitory provisions	Until a panel of mediators is prepared by the Tribunal as stated in Procedure-(v), the Tribunal, may nominate a mediator of their choice if the mediator belongs to the various classes of persons referred to in Procedure-(vi) and is duly qualified and is not disqualified, taking into account the suitability of the mediator for resolving the particular dispute(s).

Go to Index

CHAPTER-B

POLICY FOR RETENTION OF JUDICIAL RECORDS

(I) Out of a total of 1+3 complete folders of a case i.e. Petition, Appeal, Reply, Rejoinder, M.A. & E.A., which are maintained during the currency of a case, we may retain only the original folder and weed out others, after one year from the date of final judgment.

(II) After three years from the final judgment, the judgment/final order in Main Petition as well as in Execution Applications be retained in original hard copy as well as in digital form. All other papers be weeded out after preserving the following in digitized form:

1. Memo of parties
2. Main Petition with Reply
3. Rejoinder

(III) The weeding out followed by destruction/disposal of weeded out papers has to be a regular exercise, to be carried out every year periodically, preferably during the vacations, under the supervision of the designated officer. Digitization will also be similarly supervised and shall be a regular and continuous process under the supervision of designated officer.

(IV) In case, however, any appeal remains pending before the Supreme Court or any challenge to an order passed by the Tribunal remains pending before any High Court, the full record in the original folder of the case shall continue to be maintained until the disposal of the appeal / writ petition etc., provided, authentic information as to

pendency of appeal / writ petition is furnished in time by the party or its counsel.

(V) The weeded out records / papers shall be destroyed by shredding before disposal

Go to Index

--- *** ---

PROFORMA OF PETITION

IN THE TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL AT NEW DELHI

ORIGINAL JURISDICTION

PETITION NO..... / 2006

In the matter of :

A.B. (Name and address of the licensor or licensee or service provider or a group of consumers).....Petitioner(s)

C.D. (add description and the official or residential address on which the service of notice is to be effected on the Respondent or Respondents.

… …….Respondent(s)

The details of each Respondent are to be given in the chronological order)

1. Index:
2. Jurisdiction of the Appellate Tribunal:
3. Facts of the case:
4. Grounds of relief with legal provisions:
5. Details of the remedies exhausted:
6. Matters not previously filed or pending with any other court:
7. Relief sought:
8. Interim order, if any, prayed for:
9[10]. Particulars of payment:

[10] Modified by Amandment 5 of 2018.

(i) Amount
(ii) Transaction Reference No.
(iii) Date

10. List of enclosures

1.
2.
3.
4.

11. Telephone Number of the Petitioner :

12. . Fax Number of the Petitioner :

13. . E-mail address of the Petitioner :

VERIFICATION

I …… (Name of the Petitioner) S/o, W/o, D/o [indicate any one, as the case may be] …… age ……. working as ……. in the office of ……. resident of …… do hereby verify that the contents of the paras …….. to …… are true to my personal knowledge (derived from official record) and paras …….. to …… believed to be true on legal advice and that I have not suppressed any material facts.

Date : _____

Place: _____

Signature of the Petitioner or authorized officer

Go to Index

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL (FORM, VERIFICATION AND THE FEE FOR FILING AN APPEAL) RULES, 2003

G.S.R. 296(E)–
In exercise of the powers conferred by Sub-Section-(1) read with Clause-(da) of Sub-Section-(2) of Section-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-

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

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

2. Definitions-

(i) 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 under Section-14 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)

(ii) 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-Section-(2) of Section-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-

The fee accompanied with an Appeal filed under Sub-Section-(2) of Section-14 A of the Act shall be Rs.10,000/- (Rupees Ten 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 this discretion, either reduce or waive fee payable for filing of Appeal.

5. Procedure for service of notices -

(i) 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).

(ii) 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 acknowledgement 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.

(iii) When an acknowledgement 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 authorized 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 acknowledgement due, a declaration referred to above, shall be made notwithstanding the fact that the acknowledgement has been lost or mislead, or for any other reason has not been received by the Appellate Tribunal within thirty days from the date of issue of notice.

(iv) 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.

Go to Index

FORM-A

(See Rule-3)

IN THE TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL AT NEW DELHI

APPELLATE JURISDICTION

APPEAL NO...……**/2003**

In the matter of:

A.B. (Name and Address of the licensor or licensee or service provider or a group of consumers)…… Appellant(s)

C.D. (add description and the official or Residential address on which the service of…… Respondent(s)

Notices are to be effected on the Respondent or Respondents. The details of each Respondent are to be given in a chronological order).

1. **Details of Appeal:**
   (Give the particulars of the direction, decision or order of the Authority against which the Appeal is preferred)
2. **Jurisdiction of the Appellate Tribunal:**
   The Appellant declares that the subject matter of the direction, decision or order against which he wants Redressal is within the jurisdiction of the Tribunal.
3. **Limitation:**

[The Appellant further declares that the Appeal is within the period specified in Sub-Section-(3) of Section-14A of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)].

4. **Facts of the case:**

The facts of the case are given below:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate, issue, fact or otherwise.)

5. **Ground of relief with legal provisions:**

6. **Details of the remedies exhausted:**

The Appellant declares that he has availed all the remedies available to him under the relevant provisions of the Act and Rule framed thereunder:

(Give here chronologically the details of representations made and the outcome of such representations with reference to the number of Annexure to be given in support thereof.)

7. **Matters not previously filed or pending with any other court:**

The Appellant further declares that he had not previously filed any writ petition or suit regarding the matter in respect of which this appeal has been made before any court or any other authority nor any such writ petition or suit is pending before any of them.

[In case the Appellant previously had filed any such writ petition or suit, the stage at which it is pending and, if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.]

8. Relief sought:

In view of the facts mentioned in para-4 above, the Appellant prays for the following relief(s):

(Specify below the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any, relied upon.)

9. Interim order, if any, prayed for:

Pending final decision on the application, the Appellant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons.)

10. Details of Index:

(An Index containing the details of the documents to be relied upon is enclosed).

11. Particulars of bank draft in favour of the Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal in respect of the fee for Appeal.

12. List of enclosures:

1.

2.

3.

4.

VERIFICATION

I …… (Name of the Appellant) S/o, W/o, D/o [indicate any one, as the case may be] …… age ……. working as ……. in the office of ……. resident of …… do hereby verify that the contents of the paras …….. to …… are true to my personal knowledge (derived from official record) and paras …….. to …… believed to be true on legal advice and that I have not suppressed any material facts.

Date : _____

Place: _____

Signature of the Appellant or authorized officer

Go to Index

Part-II

Amendments
To
The TDSAT Procedures
&
Important Notices and Formats

(Amendment-1 of 2006)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal modifies procedure-4(ix), Procedure-4(xi) and inserts procedures-4(ix) (A) and 4 (ix) (B) which read as under:

4(ix) Petition / Appeal / Misc. Application shall accompany the required fees in the form of demand draft, in favour of Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal. The fees for filing an Appeal shall be as provided in Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fees for Filing an Appeal) Rules, 2003. The fees for filing a Miscellaneous Application shall be Rs.1,000/-.

4(ix)(A) The amount of fees payable on Petitions, next hereinafter mentioned, filed before Telecom Disputes Settlement and Appellate Tribunal shall be Rs.5000/-.

(i) Petition seeking declaratory relief.

(ii) Petition seeking directions, injunction and permanent injunction.

(iii) Petition seeking enforcement of regulations framed by the Telecom Regulatory Authority of India under the Telecom Regulatory Authority of India Act, 1997 (as amended).

(iv) Any other Petition not covered above shall also be accompanied with fees of Rs.5000/-.

Provided that the fees for filing Petitions / Claims / Suits in the nature of recovery of money or an outstanding amount, before Telecom Disputes Settlement and Appellate Tribunal shall be computed as follows:

(i) In Petitions / Claims / Suits for money (including those for damages or compensation or total outstanding) due on the date of filing of Petitions / Claims / Suits at an ad valorem rate of 1.5% of the total amount claimed, including interest, if any.

(ii) In Petitions / Claims / Suits for money payable periodically under the terms of the agreement between the parties – at an ad valorem rate of 1.5% of the sum total of all periodical amounts claimed with interest, if any, on the date of filing of the Petitions / Claims / Suits.

4(ix) (B) Decision on questions as to valuation –

(i) Every question relating to valuation for the purpose of determining the amount of fees chargeable on Petitions / Claims / Suits under the proviso to Procedure-4 (ix) (A) shall be decided by the Bench of the Telecom Disputes Settlement and

Appellate Tribunal and such decision shall be final as between the parties to the Petitions / Claims / Suits.

(ii) Whenever a question of valuation is placed before the Bench for consideration and the Bench determines the proper fee payable on such Petitions / Claims / Suits, the proceedings in such Petitions / Claims / Suits shall be stayed until such time as the proper fee is paid. If the proper fee is not paid within such time as the Bench shall fix, the Petitions / Claims / Suits shall be dismissed.

4(xi) No fee shall be payable on filing of Affidavits including Additional Affidavits.

Go to Index

(Amendment-2 of 2006)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal modifies Procedure-4 (ix), Procedure-4 (ix) (A) and inserts Procedures-4 (ix) (C) and 4 (ix) (D) which read as under:

4 (ix) Computation of fees payable on Petitions / Appeals / Misc. Applications-

Petition / Appeal / Misc. Application shall accompany the required fees in the form of demand draft, in favour of Drawing and Disbursing Officer, Telecom Disputes Settlement and Appellate Tribunal. The fees for filing an Appeal shall be as provided in Telecom Disputes Settlement and Appellate Tribunal (Form, Verification and the Fees for Filing an Appeal) Rules, 2003. The fees for filing a Miscellaneous Application shall be Rs.1,000/-.

4 (ix) (A) The amount of fees payable on Petitions, next hereinafter mentioned, filed before Telecom Disputes Settlement and Appellate Tribunal shall be Rs.5000/-.

(i) Petition seeking declaratory relief with consequential relief.

(ii) Petition seeking directions, injunction and permanent injunction.

(iii) Petition seeking enforcement of regulations framed by Telecom Regulatory Authority of India under the Telecom Regulatory Authority of India Act, 1997 (as amended).

(iv) Any other Petition not covered above shall also be accompanied with fees of Rs.5000/-.

Provided that the fees for filing Petitions / Claims / Suits in the nature of recovery of money or an outstanding amount, before Telecom Disputes Settlement and Appellate Tribunal shall be computed as follows:

(i) in Petitions / Claims / Suits for money (including those for damages or compensation or total outstanding) due on the date of filing of Petitions / Claims / Suits and

(ii) in Petitions / Claims / Suits for money payable periodically under the terms of the agreement between the parties –

(a) Rs.5,000/- or an ad valorem rate of 1.5% of the total amount / sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is upto Rs.2.0 Crore, whichever is more;

(b) an ad valorem rate of 1%, over and above the fees computed at (a) above, of the total amount / sum total of

all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is more than Rs.2.0 Crore but upto Rs.5.0 Crore;

(c) an ad valorem rate of 0.5%, over and above the fees computed at (b) above, of the total amount / sum total of all periodical amounts claimed, including interest, if any, where the sum total of all amounts claimed, including interest, is more than Rs.5.0 Crore, subject to a maximum fee of Rs.50.0 Lakhs.

4 (ix) (C) Exemption from payment of fees-

The Bench of the Telecom Disputes Settlement and Appellate Tribunal, either on an application made by the party filing a Petition / Claim / Suit / Misc. Application or suo moto, may exempt the party, in deserving cases, from payment of fees required under Procedures-4 (ix), 4 (ix) (A) and proviso to Procedure-4 (ix) (A) of the Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005.

4 (ix)(D) Refund of fees-

Where the dispute between the parties in the Petition / Claim / Suit, filed before Telecom Disputes Settlement and Appellate Tribunal, is settled without adjudication by the Telecom Disputes Settlement and Appellate Tribunal, the Bench of the Telecom Disputes Settlement and Appellate Tribunal may, on an application

moved in this regard, order refund of such fees, paid by the party to the Telecom Disputes Settlement and Appellate Tribunal under the proviso to Procedure-4 (ix) (A), as it feels appropriate to the facts and circumstances of such Petition / Claim / Suit.

---***---

Go to Index

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL
NEW DELHI

No.1/2008/Judl./ Dated: 11th October, 2010

NOTICE

Hon'ble TDSAT in its order dated 07.10.2010 in M.A.No.33 of 2010 in Petition No.12 of 2002 has held that the TDSAT has no jurisdiction on its administrative side to levy ad-valorem rate of Court Fee. In pursuance of the above said order, the Registry, henceforth, would not be charging any ad-valorem rate of court fee on Petitions / Claims / Counter-claims in the nature of recovery of money or an outstanding amount, filed before the Tribunal.

(Kajal Singh)
Registrar

To,

All concerned

Go to Index

(Amendment-3 of 2014)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement And Appellate Tribunal directs that below Procedure-25, a new Chapter-A be inserted, which reads as under:

CHAPTER-A

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL (TDSAT) MEDIATION PROCEDURES

These Procedures will apply to all mediations connected with any Petition or other proceeding pending before the Telecom Disputes Settlement and Appellate Tribunal (referred to hereafter as TDSAT or Tribunal). These will also apply to pre-litigation matters that come up for mediation before the Mediation Centre of the Tribunal. The mediation in respect of any petition or other proceeding pending before the Tribunal may be referred to the Mediation Centre which is already functioning informally at the Tribunal. Upon such a reference being made to the Centre, the same will be governed by the present Procedures. These Procedures shall come into force from the date of their notification on the official website of TDSAT, i.e. www.tdsat.nic.in.

Procedure-(i)- Procedure for directing Parties to opt for mediation	The Tribunal may, after recording admissions and denials of the parties to a Petition or any proceeding, at the first hearing or at any subsequent hearing where it appears to the Tribunal that there exist elements of a settlement through mediation which may be acceptable to the parties, at the consensus of parties, refer the

	case for mediation.
Procedure-(ii)- Tribunal to give guidance to parties while referring the matter to Mediation Centre	While referring the matter to the Mediation Centre under Procedure-(i), the Tribunal may give such guidance as it deems fit to the parties, by drawing their attention to the following relevant factors which parties should take into account, before they exercise their option to go for mediation, namely:
	(i) that it will be to the advantage of the parties, so far as time and expense are concerned, rather than seeking a trial on the disputes arising in the Petition; (ii) that, where there is a relationship between the parties which requires to be preserved, commercial or otherwise; (iii) that, where parties are interested in a final settlement which may lead to a compromise.
Procedure-(iii)- Failure of attempts to settle disputes by mediation	Where a Petition has been referred for settlement for mediation and has not been settled or where it is felt by the mediator that it would not be proper in the interests of justice to proceed further with the matter, the Petition shall be referred back again to the Tribunal with a direction to the parties to appear before the Tribunal on a specific date as may be specified by the Registrar.
Procedure-(iv)- Appointment of Mediator	(a) Parties to a Petition or other proceeding may agree on the name of the sole mediator or joint mediator out of the panel of mediators under Procedure-(v) for mediating between them. (b) The mediator so appointed or nominated, under Clause-(a), should not be a person who suffers

	from the disqualifications referred to in Procedure-(vii).
Procedure-(v)- Panel of mediators	(a) The Tribunal shall, for the purpose of appointing the mediator between the parties in Petitions or proceedings, prepare a panel of the mediators and put the same on the Notice Board and official website of the TDSAT within 30 days of coming into force of these Procedures, with copy to the respective mediators. (b) The consent of the persons whose names are included in the panel shall be obtained before empaneling them. (c) The panel shall contain Annexure giving details of the qualifications of the mediators and their professional or technical experience in different fields. (d) The panel of mediators appointed under Clause-(a) shall normally be for a period of 3 years from the date of appointment and further extension of the panel of mediators or any mediator shall be at the discretion of the Tribunal, as the case may be.

Procedure-(vi)- Qualifications of persons to be empanelled under Procedure-(v)	The following persons may be enlisted in the panel of mediators under Procedure-(v), namely: (a) Retired District and Sessions Judges or Officers of any higher Judicial Service. (b) Legal practitioners with at least 15 years standing at the Bar at the level of the Supreme Court or the High Court or the District Courts. (c) Experts or other professionals with at least 15

	years standing; or retired senior bureaucrats or retired senior executives; (d) Persons who are themselves experts in the mediation, irrespective of experience in conducting mediations who have done 40 hours training of mediation under any government body. (e) Institutions which are themselves experts in mediation and have been recognized as such by the Tribunal, provided the names of its members are approved by the Tribunal initially or wherever there is a change in membership.
Procedure-(vii)- Disqualifications of Persons	The following persons shall be deemed to be disqualified for being empanelled as mediators: (a) Any person who has been adjudged as insolvent or persons (i) Against whom criminal charges involving moral turpitude are framed by a criminal court and are pending; or (ii) Persons who have been convicted by a criminal court for any offence involving moral turpitude. (d) Any person against whom disciplinary proceedings have been initiated by the appropriate disciplinary authority which are pending or have resulted in a punishment. (e) Such other categories of persons as may be notified by the Tribunal.

<u>Procedure-(viii)</u>- Addition to or deletion from panel	The Tribunal, may in its discretion, from time to time, add or delete any person in the panel of mediators.
<u>Procedure-(ix)</u>- Preference	The Tribunal may, while nominating any person from the panel of mediators referred to in Procedure-(vi), consider his/her suitability for resolving the disputes(s) involved and give preference to those who have proven record of successful mediation or who have special qualification or experience in the mediation.

<u>Procedure-(x)</u>-Duty of the mediator to disclose certain facts.	(a) When a person is approached in connection with his proposed appointment as mediator, he shall disclose any circumstance likely to give rise to a reasonable doubt as to his / her independence or impartiality. (b) Every mediator shall from the time of his appointment and throughout continuance of the mediation proceedings, without delay, disclose to the parties, about the existence of any circumstance referred to in Clause-(a).
<u>Procedure-(xi)</u>- Withdrawal of appointment	The Tribunal may withdraw the appointment of a mediator and replace him / her by another mediator, if: (a) Upon information furnished by the mediator under Procedure-(x) or upon any other information received from the parties or other persons, if the Tribunal, in which the Petition or proceeding is pending, is satisfied, that the said information has raised a reasonable doubt as to the independence or impartiality

	of the mediator; or (b) Such person is interested or connected with the subject-matter of disputes(s) or is related to any one of the parties or to those who represent them, unless such objection is waived by all the parties in writing; or (c) Such person has or is appearing for any of the parties in the Petition or in other proceeding(s).
Procedure-(xii)- Procedure of mediation	(a) The parties may agree on the procedure to be followed by the mediator in the conduct of the mediation proceedings. (b) Where the parties do not agree on any particular procedure to be followed by the mediator, the mediator shall follow the procedure hereinafter mentioned, namely: (i) He/she shall fix, in consultation with the parties, a time schedule, the dates and the time of each mediation session, where all parties have to be present; (ii) He/she shall hold the mediation at the place prescribed by the Tribunal or the place where the parties and the mediator jointly agree; (iii) He / she may conduct joint or separate meetings with the parties;
	(i) Each party shall furnish to the mediator, copies of pleadings or documents or such other information as may be required by him in connection with the issues to be resolved. Provided that where the

	mediator is of the opinion that he/she should look into any original document, the Tribunal may permit him/her to look into the original document before such office of the Tribunal and on such date or time as the Tribunal may fix. (ii) Each party shall furnish to the mediator such other information as may be required by him in connection with the issues to be resolved.
Procedure-(xiii)- Mediator not bound by Indian Evidence Act, 1872 or Code of Civil Procedure, 1908	The mediator shall not be bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872, but shall be guided by the principles of natural justice, having regard to the rights and obligations of the parties, usages of trade, if any, and the circumstances of the disputes(s).
Procedure-(xiv)- Representation of parties	The parties shall ordinarily be present personally or through constituted attorney at the sessions or meetings notified by the mediator. However, they may be represented by the counsel with permission of the mediator in such sessions or meetings.
Procedure-(xv)- Consequences of non-attendance of parties at sessions or meetings on due dates	If a party fails to attend a session or a meeting notified by the mediator on account of deliberate or willful act, the other party or the mediator can apply to the Tribunal in which the Petition or proceeding is pending, in that case the Tribunal may issue the appropriate directions having regard to the facts and circumstances of the case, including imposition of costs.
Procedure-(xvi)-	In order to facilitate the conduct of mediation

Administrative assistance	proceedings, the parties, or the mediator with the consent of the parties, may arrange for administrative assistance by a suitable institution or person as may be prescribed by the Tribunal.
Procedure-(xvii)- Offer of settlement by parties	Any party to the Petition may, offer a settlement to the other party at any stage of the proceedings, with notice to the mediator.
Procedure-(xviii)- Role of mediators	The mediator shall attempt to facilitate voluntary resolution of the disputes(s) by the parties, and communicate the view of each party to the other, assist them in identifying issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and generating options in an attempt to solve the disputes(s), emphasizing that it is the responsibility of the parties to take decision which affect them; he/she shall not impose any terms of settlement on the parties.
Procedure-(xix)- Parties alone responsible for taking decision	The parties shall be made to understand that the mediator only facilitates in arriving at a decision to resolve disputes(s) and that he will not and cannot impose any settlement nor does the mediator give any assurance that the mediation will result in a settlement. The mediator shall not impose any decision on the parties.
Procedure-(xx)- Time limit for completion of mediation	On the expiry of 60 days from the date fixed for the first appearance of the parties before the mediator, the mediation shall stand terminated, unless the Mediator, either on his own, or upon request by any of the parties, and upon hearing all the parties, is of the view that extension of time is necessary or may be useful; but such extension shall not be beyond a further period of 30 days.

Procedure-(xxi)- Parties to act in good faith	All the parties shall commit to participate in the proceedings in good faith with the intention to settle the dispute(s), if possible, and also; 5. All parties shall adhere to these procedures in law and in spirit, 1. Cooperate the mediator during proceedings 2. Do not indulge in unwanted arguments and bad language 3. Follow the instructions given by the mediator for the administration of the mediation process.
Procedure-(xxii)- Confidentiality, disclosure and inadmissibility of information	(a) When a mediator receives factual information concerning the dispute(s) from any party, he may disclose the substance of that information to the other party, so that the other party may have an opportunity to present such explanation as it may consider appropriate. a. Provided that, when a party gives information to the mediator subject to a specific condition that it is to be kept confidential, the mediator shall not disclose that information to the other party. (b) Receipt or perusal, or preparation of records, reports or other documents by the mediator, while serving in that capacity shall be confidential and the mediator shall not be compelled to divulge information regarding those documents nor as to what transpired during the mediation before any court of law or any other authority or any person or group

	of persons. (c) Parties shall maintain confidentiality in respect of events that transpired during the mediation and shall not rely on or introduce the said information in other proceedings as to: (i) Views expressed by a party in the course of the mediation proceedings; (ii) Documents obtained during the mediation which were expressly required to be treated as confidential or other notes, drafts or information given by the parties or the mediator; (iii) Proposals made or views expressed by the mediator; (iv) Admission made by a party in the course of mediation proceedings; (v) The fact that a party had or had not indicated willingness to accept a proposal; (d) There shall be no stenographic or audio or video recording of the mediation proceedings. (e) No statement of parties or the witnesses shall be recorded by the mediator.
Procedure-(xxiii)- Privacy	The Mediation sessions or meetings would be conducted in privacy where the persons as mentioned in Procedure-(xiv) shall be entitled to represent parties. However, other persons may attend only with the permission of the parties and with the consent of the mediator.
Procedure-(xxiv)- Immunity	No mediator shall be held liable for anything bonafide done or omitted to be done by him/her during the mediation for civil or criminal action nor shall he/she

	be summoned by any party to the Petition or proceeding to appear in a Court of Law to testify in regard to information received by him or action taken by him or in respect of drafts or records prepared by him or shown to him during the mediation proceedings.
<u>Procedure-(xxv)</u>- Communication between mediator and the Tribunal	(a) In order to preserve the confidence of parties in the Tribunal and the neutrality of the mediator, there should be no communication between the mediator and the Tribunal related to any specific matter or case, except as stated in Clauses-(b) and (c) of this Procedure. (b) If any communication between the mediator and the Tribunal is necessary, it shall be in writing and copies of the same shall be given to the parties or the constituted attorney or the counsel. (c) Communication between the mediator and the Tribunal shall be limited to communication by the mediator: (i) With the Tribunal about the failure of the party to attend; (ii) With the Tribunal about the consent of the parties; (iii) Regarding his /her assessment that the case is not suited for settlement through the mediation; (iv) That the parties have settled the dispute(s).
<u>Procedure-(xxvi)</u>- Settlement	(a) Where an agreement is reached between the parties in regard to all the issues in the

Agreement	Petition or proceeding or some of the issues, the same shall be reduced to writing and signed by the parties or their constituted attorney. If any counsel has represented the parties, the mediator may obtain his/her signature also on the settlement agreement. (b) The agreement of the parties so signed shall be submitted to the mediator who shall, with a covering letter signed by him/her, forward the same to the Tribunal in which the Petition or proceeding is pending. (c) Where no agreement is arrived at between the parties, before the time limit stated in Procedure-(xx) or where, the mediator is of the view that no settlement is possible, he shall report the same to the Tribunal in writing.
Procedure-(xxvii)- Tribunal to fix a date for recording settlement and passing decree	(a) On receipt of any settlement, the Tribunal shall fix a date of hearing as early as possible. On such date of hearing, if the Tribunal is satisfied that the parties have settled their dispute(s), it shall pass a decree in accordance with terms thereof. (b) If the settlement dispose of only certain issues arising in the Petition or proceeding, on the basis of which any decree is passed as stated in Clause-(a), the Tribunal shall proceed further to decide remaining issues.
Procedure-(xxviii)- Fee of mediator and costs	(a) Fee to the mediators shall be fixed by the Tribunal by issue of office order from time to time as may be required. (b) As far as possible, a consolidated sum per

	case or matter may be fixed rather than for each session or meeting. There may be variation in fee for successful mediation with other mediations. (c) The expense of the mediation including the fee of the mediator, costs of administrative assistance, and other ancillary expenses concerned, shall be paid by TDSAT or as may be otherwise directed by the Tribunal. (d) The expense of the mediation including fee, if not paid by the parties in case of direction of the Tribunal to this effect, the Tribunal shall, on the application of the mediator or the parties, direct the concerned parties to pay, and if they do not pay, the Tribunal shall recover the said amounts as if there was a decree for the said amount.
Procedure-(xxix)- Pre-Litigation Mediation	(d) For Pre-litigation mediation, application by any party may be made to the Registry of TDSAT. (e) There shall be fee, payable to TDSAT for pre-litigation matters as may be fixed by order by the Tribunal from time to time as may be required. (f) The Registry will allocate the matter to a suitable mediator on the panel.
Procedure-(xxx)- Ethics to be followed by mediator	The mediator shall: 1. Follow and observe these Procedures strictly and with due diligence; 2. Not carry on any activity or conduct which could reasonably be considered as conduct unbecoming of a mediator;

	3. Uphold the integrity and fairness of the mediation process; 4. Ensure that the parties involved in the mediation are fairly informed and have an adequate understanding of the procedural aspects of the process; 5. Satisfy himself/herself that he/she is qualified to undertake and complete the assignment in a professional manner; 6. Disclose any interest or relationship likely to affect impartiality or which might seek an appearance of partiality or bias; 7. Avoid, while communicating with the parties, any impropriety or appearance of impropriety; 8. Be faithful to the relationship of trust and confidentiality imposed in the office of mediator; 9. Conduct all proceedings related to the resolutions of a dispute, in accordance with the applicable law; 10. Recognize that the mediation is based on principles of self-determination by the parties and that the mediation process relies upon the willingness of parties to reach a voluntary agreement; 11. Maintain strict confidentiality; 12. Refrain from promises or guarantees of results.
Procedure-(xxxi)- Transitory provisions	Until a panel of mediators is prepared by the Tribunal as stated in Procedure-(v), the Tribunal, may nominate a mediator of their choice if the mediator belongs to the various classes of persons referred to in Procedure-(vi) and is duly qualified and is not

	disqualified, taking into account the suitability of the mediator for resolving the particular dispute(s).

Go to Index

(Amendment-4 of 2017)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal directs that below Procedure-25 (Chapter-A), a new Chapter-B be inserted, which reads as under:

CHAPTER-B

POLICY FOR RETENTION OF JUDICIAL RECORDS

(I) Out of a total of 1+3 complete folders of a case i.e. Petition, Appeal, Reply, Rejoinder, M.A. & E.A., which are maintained during the currency of a case, we may retain only the original folder and weed out others, after one year from the date of final judgment.

(II) After three years from the final judgment, the judgment/final order in Main Petition as well as in Execution Applications be retained in original hard copy as well as in digital form. All other papers be weeded out after preserving the following in digitized form:

1. Memo of parties
2. Main Petition with Reply
3. Rejoinder

(III) The weeding out followed by destruction/disposal of weeded out papers has to be a regular exercise, to be carried out every year periodically, preferably during the vacations, under the supervision of the designated officer. Digitization will also be similarly supervised

and shall be a regular and continuous process under the supervision of designated officer.

(IV) In case, however, any appeal remains pending before the Supreme Court or any challenge to an order passed by the Tribunal remains pending before any High Court, the full record in the original folder of the case shall continue to be maintained until the disposal of the appeal / writ petition etc., provided, authentic information as to pendency of appeal / writ petition is furnished in time by the party or its counsel.

(V) The weeded out records / papers shall be destroyed by shredding before disposal

Go to Index

(Amendment-5 of 2018)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal inserts Procedure-4 (ix) (E) below Procedure-4 (ix) (D) and modifies Procedure-20 and Para-9 of Proforma of Petition, which reads as under:

"4 (ix) (E) Notwithstanding anything contained in Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005 (as amended), the mode of payment of Court fee, penalty, etc., shall be by way of e-payment through the website of Telecom Disputes Settlement and Appellate Tribunal i.e. **www.tdsat.gov.in**. "

20. Communication of orders to parties:

Any order passed in regard to the petition / Appeal / Misc. Application / Execution Application / Review Application shall be communicated to the Petitioner / Appellant / Applicant and the Respondent either in person or by registered post or by electronic means including publication on TDSAT's website, e-mail etc.

PROFORMA OF PETITION

9. Particulars of payment:
   (i) Amount
   (ii) Transaction Reference No.
   (iii) Date

Go to Index

(Amendment-6 of 2021)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNALPROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal amends Procedure-20 and substitutes the same with the new amended Procedure-20 which reads as under:

"20. Communication of orders to parties:

Any order passed in regard to the Petition / Appeal / Misc. Application / Execution Application / Review Application shall be communicated to the Petitioner / Appellant / Applicant and the Respondent by electronic means including publication on TDSAT's website, e-mail etc. However, an order may be communicated to the parties by any other means / mode as per the directions contained in the order or, otherwise deemed necessary and appropriate by the Registrar."

Go to Index

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

NEW DELHI

Misc.1/2005/Judl./TDSAT/ Dated: 26.03.2021

N O T I C E

The Competent Authority in TDSAT is pleased to issue the following directions to all Advocates / Parties:-

"A4 size paper be used uniformly in all jurisdictions for all kinds of pleadings contained in Petitions, Appeals, Affidavits, Applications or other documents etc. and all Memorandum of Appeals, Orders and Judgments in the Hon'ble Tribunal.

A4 size paper to be used as above shall conform to the following specification of paper and formatting style:-

A4 size paper (29.7 cm X 21 cm) having not less than 75 GSM with font-Times New Roman, font Size 14, in 1.5. line spacing (for quotations and indents-font size 12 in single line spacing), with margin of 4 cm on left and right and 2 cm on top and bottom."

The printing / typing shall be on one side of the paper till further directions in the matter."

However, the existing practice of filing of cases / documents in Legal Size Paper may be followed till further orders in addition to the above directions.

These directions shall come into force w.e.f. publication of the Notice Board and TDSAT website.

Desk Officer

To,

1. Notice Board
2. TDSAT's website

Go to Index

TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI

No. 1/Judicial/Misc./TDSAT/2012 Dated 22.09.2021

N O T I C E

All Advocates/Parties who have filed scanned copies of matter(s)/ document(s) through e-mail during the pandemic period along with an undertaking that they would file the hard copies of the same i.e. 1+3 sets with duly notarised affidavit in their matters, are hereby directed to file 1+3 sets in hard copies (i.e. one original and three more sets) along with duly notarised affidavit in their matters within one month from the date of issue of this notice as per the TDSAT's Procedures, 2005 which is available on TDSAT website i.e. tdsat.gov.in.

The practice for filing of cases/documents shall be the same i.e. by filing physical copies or in the alternative via e-mail. Where matters/ documents/ pleadings etc. are filed through e-mail the hard copies must be filed with the Registry forthwith, either personally or through post/courier etc. In case of matters for urgent listing the matters can only be listed after making available the hard copies as per TDSAT Procedure, 2005. Only in exceptional cases where the concerned Party or the Advocate is staying in a containment Zone, on request the hardcopies of the petitions/pleadings or the documents may be printed by the TDSAT, after due permission, on the cost to be deposited by the party at the rate prescribed in Rule 21 of the TDSAT Procedure, 2005 for uncertified copies.

Desk Officer

To,

1. Notice Board.
2. TDSAT’s website.

Go to Index

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

Requisition Slip for Mentioning

(Requests should be sent at least one hour prior to the Court's sitting time)

To be Mentioned on :_____(Date)

(1) Case No._____(or) Dy. No._____

(2) Next Date of Hearing, if any:_____

(3) Listed before: Hon'ble Bench / Registrar Court (please tick the appropriate court)

(4) Reason / urgency for mentioning (inbrief) _____

_____

(5) Whether the opposite side has been duly informed or not ? If not, assign reasons

_____

(6) E-Mail on which link for mentioning may be shared

_____

Name of theAdvocate:_____

Mobile No.: _____

Go to Index

(Amendment-7 of 2024)

TELECOM DISPUTES SETLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal modifies Procedure-24 which reads as under:

"24. Working hours of the Registry- Except on 2nd and 4th Saturdays, Sundays and holidays as per Telecom Disputes Settlement and Appellate Tribunal Calendar, the Registry shall, subject to any order made by the Chairperson, be open daily from 10:00 a.m. to 5:30 p.m."

Go to Index

(Amendment- 8 of 2025)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL PROCEDURE, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (As amended) and in amendment of Telecom Disputes Settlement & Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal amends Procedure-4(ii) and the amended procedure read as under: -

"4(ii)- Procedure for filing Petition/ Appeal/ Miscellaneous Application and other pleadings:- "Parties/ Counsel will be required to file one original and one copy of the Petition/ Appeal/ Miscellaneous Application and all other pleadings".

Go to Index

(Amendment- 9 of 2025)

TELECOM DISPUTES SETLEMENT AND APPELLATE TRIBUNAL PROCEDURES, 2005

In exercise of the powers conferred by Section-16(1) of the Telecom Regulatory Authority of India Act, 1997 (as amended) and in amendment of Telecom Disputes Settlement and Appellate Tribunal Procedures, 2005, the Telecom Disputes Settlement and Appellate Tribunal modify Procedure-24 which reads as under:

24. "Working Hours of the Registry — Except on second Saturdays, Sundays, and holidays marked in the Calendar of the TDSAT for the year, and subject to any order made by the Hon'ble Chairperson, the Registry shall remain open daily from 10.00 a.m. to 5.00 p.m."

Go to Index