
NATIONAL COMMODITY & DERIVATIVES EXCHANGE LIMITED

Circular to all members of the Exchange

Circular No. : NCDEX/MEMBERSHIP-015/2025

Date : April 29, 2025

Subject : Adherence to TRAI Direction dated April 07, 2025 – Standard Operating Procedure (SOP) for Restoration of Telecom Resources Disconnected for Sending Unsolicited Commercial Communications

All the members are hereby informed that the Telecom Regulatory Authority of India (TRAI), through its Direction dated April 07, 2025, has issued detailed Standard Operating Procedures (SOP) to be followed by Access Providers regarding the restoration of telecom resources that were disconnected for sending unsolicited commercial communications under the Telecom Commercial Communications Customer Preference Regulations, 2018.

The direction and SOP issued by TRAI are attached as **Annexure A**.

All members are advised to take note of the same.

For and on behalf of

National Commodity & Derivatives Exchange Limited

Kanti Pal
Assistant Vice President
Membership

Encl: Annexure A

For further information /clarifications, please contact

1. Customer Service Group on toll free number: 1800 26 62339
2. Customer Service Group by e-mail to : askus@ncdex.com



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



Dated: 07th April, 2025

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) regarding compliance of Standard Operating Procedure for restoration of telecom resources disconnected under the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018)

F. No. G/(48)/2024-QoS (E-14607)- Whereas the Telecom Regulatory Authority of India (hereinafter referred to as the "Authority"), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the "TRAI Act"), has been entrusted with the discharge of certain functions, *inter alia*, to regulate the telecommunication services; ensure technical compatibility and effective interconnection between different service providers; lay down standards of quality of service to be provided by service providers and conduct the periodical survey of such services provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Authority, in exercise of the powers conferred upon it under section 36, read with sub-clause (v) of clause (b) and clause (c) of sub-section (1) of section 11, of the TRAI Act, made the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19th July 2018 (hereinafter referred to as the "regulations"), to curb unsolicited commercial communications;
3. And whereas regulation 29 of the regulations provides for representation by Senders against the action taken by Access Providers and the said regulation reads as under:-

“29. Representation by Senders against the action taken by Access Providers.— (1) *The Authority may on receipt of a complaint from the Sender, within sixty days of action taken against it by the Access Provider under the regulations 25, if it considers expedient to do so, call for the relevant details from the Sender and Access Providers, and upon examination, for reasons to be recorded,-*

(a) if the Authority finds that conclusion of investigation by the Access Provider lacks adequate evidence against the Sender, -

- (i) it may direct the Access Providers to restore all telecom resources of the Sender and delete the name and address of such Sender from the blacklist;*
- (ii) it may issue warning to the Access Provider for not exercising due diligence in deciding such cases;*

(b) if the Authority finds that conclusion of the investigation conducted by the Access Provider is based on evidence but the Sender satisfies the Authority that it has taken reasonable steps to prevent the recurrence of such contravention, the Authority may by order direct the Access Providers to restore the telecom resources of the sender, partially or fully; and delete the name and address of such Sender from the blacklist, as the case may be, on payment of a restoration charge of five thousand rupees per resource to the Authority for restoration of all such telecom resources, subject to the condition that the total amount payable by the Sender shall not exceed five lakh rupees:

Provided that in the case of PRI or SIP trunks, each DID number shall be treated as a separate telecom resource:

Provided further that the amount payable under the clause (b) of this sub-regulation may be reduced or waived off by the Authority where it finds merit in the response furnished by the Sender:



Provided also that Authority may specify from time to time Standard Operating Procedures or issue directions or instructions detailing exact steps to be taken to decide such cases.”;

4. And whereas the Authority has, in accordance with the provisions contained in regulation 29 of the regulations, decided to formulate Standard Operating Procedure (hereinafter referred to as “SoP”) for restoration of telecom resources disconnected by the Access Provider for alleged sending of unsolicited commercial communications;
5. And whereas the Authority formulated and circulated a draft SoP among all Access Providers for their feedback and, after deliberations, has finalized the SoP to process representations received under regulation 29 for restoring telecom resources disconnected by the Access Providers for sending unsolicited commercial communications;
6. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and the provisions of the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018), hereby directs all Access Providers to
 - (a) follow the SoP contained in Annexure-I to this Direction to process all cases related to the restoration of telecom resources of the senders disconnected for sending unsolicited commercial communications;
 - (b) ensure that the SoP is implemented effectively to safeguard against recurrence of violations while ensuring compliance with regulatory requirements;



- (c) bring this Direction to the notice of all relevant stakeholders, including Registered Telemarketers and Senders;
- (d) furnish to the Authority, within fifteen days from the date of issue of this Direction, updated status on actions taken, including updates to Codes of Practice , if any.



(Deepak Sharma)
Advisor (QoS-II)

To:

All Access Providers

Standard Operating Procedure (SoP) for restoration of telecom resources disconnected for sending Unsolicited Commercial Communications

1. Objective:

This SoP outlines the process for restoring disconnected telecom resources in accordance with regulation 29 of the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) (hereinafter referred to as the “regulations”) dated 19th July 2018-.

2. Submission of a Complaint/Appeal:

- a) The complainant/appellant i.e the Sender whose telecom resource has been disconnected for alleged sending of unsolicited commercial communications, must submit a formal request to the Authority within sixty (60) days of action taken against it by the Access Provider under regulation 25 of the TCCCPR 2018, for restoration of telecom resources and/or removal from the blacklist.
- b) The request must include adequate supporting documents and undertakings to demonstrate the intent of the complainant/appellant to prevent recurrence of the violation, if any.

3. Documentation Requirements:

- I. If complainant/appellant accepts that the commercial communication, in contravention of the provisions of the regulations, has been made by the complainant/appellant and wishes to continue commercial communications activities in accordance with the provisions of the regulations, the following documents and declarations must be included with the application:-
 - i. **Details of Requested Resources:** The complainant/appellant shall specify the quantity of telecommunication resources separately for 140XXX promotional calls, 1600XX transactional / service calls, message headers etc. to be provisioned after removal from blacklist.
 - ii. **Corrective Measures:** The complainant/appellant shall outline steps taken/contemplated to prevent recurrence of contravention of the provisions of regulations, including establishment of an audit mechanism to monitor compliance. Further, it shall be established with reasonable certainty by the complainant/appellant that appropriate action (FIR lodged against the person/ company, disciplinary/



administrative/ vigilance action, etc.) is taken against the defaulting unit which might be a person or a company.

iii. **Acknowledgements and Declarations:-** The applicant/complainant-

- (a) agrees that restored resources may be subject to enhanced monitoring by Access Providers;
- (b) agrees to provide any report to the Authority as the Authority may require;
- (c) accepts that the Authority reserves the right to recall restoration decisions if violations persist.

II. If the complainant/appellant doesn't accept the violation/ contravention of the provisions of the regulations, necessary documents shall be submitted by the complainant/appellant to substantiate such claim to the Authority.

4. Examination by the Authority:

- a) The Authority will conduct a preliminary review of the application i.e. the complaint/appeal filed by the Sender seeking restoration of telecom resources, to assess completeness and adequacy.
- b) Additional documents or undertakings may be requested from the appellant, as deemed necessary.
- c) If preliminary requirements are met, the Authority may obtain the inputs of the concerned Access Provider regarding the case.
- d) If the application of the complainant/appellant is deemed eligible for restoration under regulation 29(1)(a), the Authority may direct the Access Provider to remove such restrictions or restore all such telecom resources of the Sender, and delete the name and address of such customer or Sender from the blacklist.

5. Restoration Charges:

- a) If the application of the complainant/appellant is deemed eligible for restoration under regulation 29(1)(b), the Authority may issue a demand for payment of applicable restoration charges.
- b) The complainant/appellant must deposit the specified amount and provide the receipt to the concerned Division/Regional Office of TRAI within fifteen (15) working days.



- c) Failure to submit the receipt within the stipulated time may result in rejection of the complaint/appeal.
- d) Restoration Charge, once paid, shall not be refunded under any circumstances, including instances where the Authority decides to recall restoration decision due to the recurrence of violation after restoration.

6. Rejection and Re-application:

- a) If the complainant/appellant fails to comply with the requirements as contained in para 2 to para 5 of this SoP, the application is liable to be rejected.
- b) In case the application is rejected, the complainant/appellant may re-apply after sixty (60) days from the date of rejection, ensuring compliance with all stipulated conditions.

7. Restoration Process:

- a) Upon satisfying all conditions, the Authority will direct Access Providers to immediately restore/provision, the complainant's/appellant's telecom resources, partially or fully, to the extent requested/deemed fit by the Authority and remove the name and address of the complainant/appellant from the blacklist.
- b) Access Providers shall monitor the usage of restored telecom resources to ensure compliance.
- c) Access Providers may restore the same identifiers or allot new ones as per technical feasibility.

8. Monitoring and Compliance:

- a) The Authority may seek periodic reports from the complainant/appellant and Access Providers to verify adherence to regulatory requirements.
- b) Any subsequent non-compliance/violation may lead to immediate revocation of restored resources and blacklisting.

9. Regulatory Powers of the Authority:

- a) The Authority retains the right to recall restoration decisions at any time if non-compliance/violations are detected post-restoration.
- b) Enhanced monitoring measures may be enforced to ensure compliance.

