



### Indian Telecom Security Assurance Requirements (ITSAR) for mobile devices

On January 12, 2026, the National Centre for Communication Security (“NCCS”), Department of Telecommunications (“DoT”), released the draft Indian Telecom Security Assurance Requirements (“ITSAR”) for mobile devices, establishing a minimum security baseline for all mobile devices sold or used in India. The key points are as follows:

1. the ITSAR aims to safeguard user privacy, protect sensitive data, and strengthen the mobile ecosystem against evolving cyber threats given the increasing reliance on smartphones for sensitive activities including payments, banking, health services, enterprise access, and personal communication. It recognises mobile devices as critical infrastructure supporting India’s digital economy and emphasises securing both hardware and software layers.
2. the ITSAR defines a minimum security baseline applicable to all mobile devices, regardless of make, model, or operating system. It sets out a layered framework covering device architecture, operating system integrity, cryptography, application security, data protection, baseband isolation, firmware and software update policies, and authentication requirements. The document introduces 2 (two) testing levels: (a) level 1 for all consumer devices; and (b) level 2 for enterprise-managed or high-security devices, with progressive rigour;
3. the ITSAR introduces several critical safeguards strengthening end-to-end mobile device security across hardware, software, and ecosystem layers. It mandates application whitelisting and blacklisting, ensuring devices install only trusted applications and block installations from unverified external sources, with periodic malware-signature updates required for a minimum of 3 (three) years. Devices will also provide continuous monitoring for potentially harmful or privacy-intrusive applications, including detection of attempts to access another app’s sandbox or sensitive system resources;
4. the specification mandates digitally-signed applications, secure update mechanisms, protection against malware and harmful apps, strict permission controls, sandboxing, encrypted storage of personally identifiable information, secure key management compliant with FIPS 140-2, baseband subsystem integrity checks, and hardware-backed verified boot. It also includes regulatory requirements such as panic button/global positioning system, privacy-preserving notifications, mobile device management controls, mandatory authentication, protection, secure logging, and long-term patch support;
5. finally, Original Equipment Manufacturers (“OEMs”) will be required to commit to long-term security support, including quarterly security patches for at least 3 (three) years, timely remediation of high risk vulnerabilities, and mandatory reporting of major updates to NCCS. Comprehensive vulnerability assessments, penetration testing, source-code reviews, and documentation of secure development lifecycle processes are compulsory for all OEM developed components, ensuring assurance and verifiability throughout the mobile ecosystem;
6. the ITSAR further emphasises robust application isolation, requiring strict sandboxing, unique user identifications for each application, protected inter-app communication, and secure containerisation for enterprise data. Mobile devices will be required to enforce secure cryptographic operations, including strong

algorithms compliant with NCCS 'Crypto Controls for ITSAR', secure key generation and storage, preferably in hardware-backed modules or trusted execution environment, and encryption of sensitive data both at rest and in transit; and

7. this framework also enhances national cyber resilience and supports secure digital-services delivery across sectors.

## **Use of low power and very low power wireless access system including Radio Local Area Network in Lower 6 GHz band (Exemption from Licensing Requirement) Rules, 2026**

On January 20, 2026, the Ministry of Communications issued the 'Use of low power and very low power wireless access system including Radio Local Area Network in Lower 6 GHz Band (Exemption from Licensing Requirement) Rules, 2026' ("**6 GHz Exemption Rules**"). The Central Government has exercised its powers under the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933 to exempt certain categories of wireless equipment operating in the 5925–6425 MHz band from licensing requirements under the 6 GHz Exemption Rules. The rules introduce a regulatory framework for delicensing the 5925–6425 MHz band for Wireless Fidelity ("**Wi-Fi**") and other low power wireless access systems. The key points are as follows:

1. the 6 GHz Exemption Rules lay the foundation for affordable broadband proliferation, high-capacity indoor connectivity, and wider digital inclusion, while ensuring that compliance, safety, and responsible spectrum use remain central to the regulatory approach;
2. the 6 GHz Exemption Rules apply to low-power indoor and very low power outdoor Wi-Fi/radio local area network devices operating on a non-interference, non-protection and shared basis. The devices are required to comply with detailed technical conditions relating to maximum equivalent isotropic radiated power, power spectral density, emission bandwidth, and out-of-band emission limits as specified in the schedule;
3. under the 6 GHz Exemption Rules, operations in the 5925–6425 MHz band are prohibited on oil platforms, in-vehicle indoor environments such as cars, trains, boats, aircraft below 10,000 (ten thousand) feet, and for drone/unmanned aerial systems control. Devices will be required to incorporate protocols that allows multiple users to share the same spectrum by defining the events that occur when 2 (two) or more transmitters attempt to simultaneously access the same channel, to ensure responsible spectrum sharing and minimise harmful interference;
4. while licensing is exempt, users will be required to cease or modify operations if their devices cause harmful interference to licensed systems. The 6 GHz Exemption Rules empower the Government to demand relocation, power reduction, antenna modification, or ultimately, discontinuation of wireless use. Equipment will include integrated antennas, meet international safety norms, and undergo type approval as per prescribed procedures; and
5. the 6 GHz Exemption Rules aim to align with global adoption of next-generation Wi-Fi technologies and expand affordable high capacity broadband access across India, through unlicensed spectrum use.

## **Guidelines for Accessibility of Content on platforms of Publishers of Online Curated Content (Over-The-Top platforms) for Persons with Hearing and Visual Impairment**

On February 6, 2026, the Ministry of Information and Broadcasting, issued an office memorandum notifying the Guidelines for Accessibility of Content on Platforms of Publishers of Online Curated Content (Over-The-Top ("**OTT**") Platforms) for Persons with Hearing and Visual Impairment ("**Guidelines**"). The Guidelines have been issued pursuant to the provisions of the Rights of Persons with Disabilities ("**RPwD**") Act, 2016 ("**RPwD Act**"), following stakeholder consultations, and are intended to enhance access to audio-visual content available on OTT platforms for persons with disabilities.

The Guidelines reflect India's constitutional commitment to equality and accessibility, as well as its international obligations under the United Nations Convention on the RPwD. They build upon earlier policy initiatives such as the Accessible India Campaign (*Sugamya Bharat Abhiyan*) and align with the accessibility-related principles set out under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which encourage publishers of online curated content to take reasonable efforts to improve accessibility.

The primary objective of the Guidelines is to establish accessibility standards for audio-visual content and platform user interfaces, with a view to enabling persons with hearing and visual impairment to independently perceive, navigate, and interact with OTT platforms. Accessibility under the Guidelines has been defined to cover both the audio-visual content itself and related elements such as user interfaces, on-screen information, and interaction mechanisms, including compatibility with assistive technologies.

The Guidelines set out detailed standards relating to access services, including audio description, closed and open captioning, and Indian Sign Language ("ISL") interpretation. Audio descriptions are envisaged as concise and comprehensible narrations of visual elements during natural pauses in dialogue, enhancing the viewing experience for visually impaired users. Captioning is intended to accurately and synchronously reflect spoken dialogue, background sounds, and contextual audio information, with emphasis on clarity, completeness, readability, and appropriate formatting. Where ISL interpretation is provided, it is expected to be accurate, synchronised, and displayed in a manner that allows viewers to clearly observe both hand movements and facial expressions of the interpreter.

The Guidelines also emphasise accessibility of user interfaces, covering websites, mobile applications, smart-television applications, and desktop platforms. Publishers are encouraged to design and develop their interfaces in a manner compatible with assistive technologies. To facilitate discoverability, the Guidelines introduce the concept of accessibility indicators, including standard symbols such as 'AD' for audio description, 'CC' for closed captioning, and 'ISL' for Indian Sign Language interpretation, enabling users to easily identify accessible content.

A phased implementation framework has been outlined. Upon expiry of 36 (thirty-six) months from the date of publication of the Guidelines, publishers of online curated content are expected to work towards ensuring that newly published content carries at least 1 (one) accessibility feature each for hearing-impaired and visually-impaired users. The framework also contemplates prominent display of accessibility descriptors, including for promotional audio-visual material, and functional integration of accessibility features across user interfaces. Publishers are further encouraged to progressively extend accessibility features to existing content libraries on a best-efforts basis.

To support transparency and monitoring, the Guidelines provide for submission of an accessibility conformance report, with the first report envisaged upon expiry of 36 (thirty-six) months from publication, followed by quarterly progress updates. Publishers are additionally encouraged to create public awareness regarding accessible content through discoverability tools such as indicators, thumbnails, and filters, and to collaborate with organisations working in the field of accessibility for persons with disabilities.

Recognising practical and technical limitations, the Guidelines include specific exemptions from accessibility requirements. These exemptions relate to live and deferred live content, standalone short-form content including advertisements, and audio-only content such as music and podcasts. In the case of short-form content, the exemption applies only to standalone items and not to episodic or segmented formats.

## **MeitY issues clarification on testing requirements under Public Procurement (Preference to Make in India) Order (PPP-MII) for Closed-Circuit Television cameras**

On February 4, 2026, the Ministry of Electronics and Information Technology ("MeitY"), issued a circular clarifying the testing requirements applicable to Closed-Circuit Television ("CCTV") cameras under the Public Procurement (Preference to Make in India) Order ("PPP-MII"). The circular recalls that CCTV cameras were notified under the PPP-MII framework for the purposes of computation of value-addition norms and compliance with the Essential Requirements ("ERS") for security. CCTV cameras were subsequently brought within the scope of the Electronics and

IT Goods (Requirements for Compulsory Registration) Order, 2021, in addition to the existing safety requirements prescribed under IS 13252 (Part 1): 2010.

The circular clarifies that, under the PPP-MII framework, security testing reports for CCTV and video surveillance systems are issued by the Standardisation Testing and Quality Certification (“**STQC**”) Directorate or other agencies notified by MeitY from time to time, with such reports carrying a validity period of 3 (three) years from the date of issuance. Subsequently, STQC has been issuing certifications to manufacturers under its internet of things system certification scheme’ for PPP-MII compliance, as well as test reports for the purpose of registration under the Compulsory Registration Order (“**CRO**”).

With a view to ensuring uniformity in the testing and certification process, MeitY has clarified that, going forward, STQC will issue the security test report aligned with the Essential Requirements under the CRO, which may also be relied upon for demonstrating compliance under the PPP-MII Order. The clarification further indicates that security certifications issued by STQC do not have any linkage with the value addition requirements prescribed under the PPP-MII framework.

Further, on January 16, 2026, MeitY issued an Office Memorandum (“**MeitY OM**”) withdrawing the extension earlier granted for compliance with the ERs for security of CCTV cameras notified under the CRO. The MeitY OM refers to the earlier relaxations which had permitted the sale of CCTV cameras imported or manufactured in India prior to April 9, 2025, with the objective of enabling clearance of existing stock.

MeitY has indicated that sufficient time has elapsed since the grant of the relaxation and has clarified that the extension for sale of non-compliant CCTV cameras stands withdrawn with effect from April 1, 2026. From this date onwards, the sale of CCTV cameras that do not conform to the ERs for security, as notified by MeitY will no longer be permitted.

## **Recommendations on the Auction of Radio Frequency Spectrum in the Frequency Bands Identified for International Mobile Telecommunications**

On February 24, 2026, the Telecom Regulatory Authority of India (“**TRAI**”) released its recommendations on the auction of radio frequency spectrum in the frequency bands identified for International Mobile Telecommunications (“**IMT**”) (“**Recommendations**”), following a detailed reference from DoT dated May 15, 2025, and subsequent clarifications issued on August 14, 2025. The Recommendations draw upon the outcomes of the June 2024 auction, where more than 10,500 MHz of spectrum was offered but only a small portion was sold, leaving substantial spectrum inventory available for reassignment.

1. **Spectrum availability and auction scope:** TRAI assessed spectrum across all existing IMT bands, including 800, 900, 1800, 2100, 2300, 2500, 3300 and 26 GHz, and concluded that all available spectrum in these bands should be put to auction without artificial restrictions. It rejects suggestions to limit supply to manage prices, observing that doing so would hinder competition, delay capacity expansion, and undermine national digital infrastructure objectives.
2. **Recovery of spectrum from insolvent operators:** In light of the Supreme Court’s judgment dated February 13, 2026, holding that the spectrum does not constitute an asset under the Insolvency and Bankruptcy Code 2016 (“**IBC**”), TRAI recommended that DoT immediately reclaims spectrum held by operators undergoing insolvency proceedings and include it in the upcoming auction. Such spectrum has significant market value and will be required to be returned to the pool to ensure efficient national utilisation.
3. **Band plans, licensing structure, and assignment framework:** TRAI recommends retaining all existing band plans under the 3rd generation partnership project, that are currently operational in India, noting that any change would impose substantial costs on operators and disrupt ongoing services. It further advised continuation of the established auction framework, assigning spectrum on a telecom circle/metro basis with a 20 (twenty) year validity period. TRAI considered this structure aligned with global practice and adequate for investment recovery cycles.

4. **Block sizes, minimum bid quantities and net-worth requirements:** TRAI recommends continuing the block sizes and minimum bid quantities prescribed in the 2024 auction, with only limited modifications. It further recommends reducing the net-worth requirement for new entrants from INR 100,00,00,000 (Indian Rupees one hundred crore) to INR 50,00,00,000 (Indian Rupees fifty crore) per licensed service area (and from INR 50,00,00,000 (Indian Rupees fifty crore) to INR 25,00,00,000 (Indian Rupees twenty-five crore) for the North East and Jammu and Kashmir), anticipating greater infrastructure sharing under the Telecommunications Act, 2023 ("**Telecom Act**").
5. **Rollout obligations and coverage enhancement scheme:** TRAI recommends that rollout obligations for all existing IMT bands should remain unchanged from those applied in the 2024 auction. At the same time, it recognises persistent coverage gaps on highways, railway routes, urban pockets and remote areas. To address these gaps, TRAI recommends a coverage enhancement scheme under which operators may opt to reduce their spectrum-payment liability by up to 10% in exchange for deploying new base stations at DoT identified locations lacking mobile coverage.
6. **Harmonisation and contiguous spectrum assignment:** Given the fragmentation observed across several IMT bands, TRAI reiterates that operators should be assigned spectrum in contiguous blocks wherever feasible. It recommends that DoT undertake a post auction harmonisation exercise and complete it within 6 (six) months of the auction's conclusion, ensuring optimal utilisation and efficient network deployment.
7. **Recommendations on the 600 MHz band:** After re-examining the international developments, TRAI recommended that the entire 600 MHz band be auctioned. Recognising that device ecosystems are still maturing, TRAI proposes extending the validity period of the band to 24 (twenty-four) years, while levying spectrum charges for 20 (twenty) years, and deferring rollout obligations for 4 (four) years.
8. **Approach to the upper-6 GHz band:** While international interest in the 6 GHz range is increasing, TRAI noted that only 400 MHz of the upper 6 GHz band is immediately available in India and that IMT device ecosystems are still nascent. Moreover, satellite uplink services currently operate in portions of this range and require coexistence measures. Accordingly, TRAI recommends that the 6425–6725 MHz and 7025–7125 MHz ranges should not be auctioned in the forthcoming round.
9. **The 1427–1518 MHz (L-band) consideration:** TRAI noted that 67 MHz in the 1427–1518 MHz band has been identified for IMT use, while 24 MHz will remain contiguous for government services. As global standards for supplementary uplink and device ecosystems in this band evolve, TRAI recommends that India's band plan decision be deferred.
10. **Auction format, valuation framework and reserve pricing:** TRAI recommends continuing with the simultaneous multiple round auction format, observing that the stakeholder consensus favours this method and that India has not experienced aggregation risk issues seen in other jurisdictions. It retains its multi-model valuation methodology including regression analysis, production-function techniques, revenue-surplus models and technical efficiency adjustments, and proposes reserve prices at 70% of average valuation, with reductions to 60% for bands unsold in both 2022 and 2024, and a 50% reduction for Jammu and Kashmir and the North East.

## **TRAI releases amendments in the provisions of Telecommunication Tariff (Seventy Second Amendment) Order, 2026**

On March 24, 2026, TRAI notified the Telecommunication Tariff (Seventy Second Amendment) Order, 2026 ("**Amendment Order**"), further amending the Telecommunication Tariff Order, 1999 ("**Tariff Order**").

The Amendment Order primarily revises the financial disincentive framework applicable to non-compliance with tariff reporting requirements under Clause 7 of the Tariff Order. TRAI has substituted sub-clause (iii) of Clause 7 of the Tariff Order to provide for a graded financial disincentive structure, whereby a service provider failing to comply with the prescribed reporting requirements will be liable to pay a financial disincentive of INR 10,000 (Indian Rupees ten thousand) per day for the first 7 (seven) days of delay, and INR 20,000 (Indian Rupees twenty thousand) per day for

each subsequent day of delay, subject to an overall maximum ceiling of INR 5,00,000 (Indian Rupees five lakh). The revised provision also retains procedural safeguards, including the requirement of providing the service provider with a reasonable opportunity of being heard, as well as TRAI's discretion to waive or reduce the financial disincentive upon consideration of the reasons furnished.

In addition, the Amendment Order introduces a new sub-clause to Clause 7 under the Tariff Order providing for the levy of interest in cases of delayed or non-payment of financial disincentives. Under the amended framework, where a service provider fails to pay the disincentive amount within the period stipulated in the order, it will be liable to pay simple interest at a rate 2% above the 1 (one) year Marginal Cost of Lending Rate ("MCLR") of the State Bank of India, applicable at the beginning of the relevant financial year. For the purpose of calculation of interest, part of a month is to be treated as a full calendar month.

The Amendment Order also provides for the deletion of Clause 7A under the Tariff Order which dealt with financial disincentives relating to excess charges levied by service providers. TRAI has removed this provision on the ground that similar enforcement mechanisms already exist under the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2023, and that retention of Clause 7A under the Tariff Order could result in regulatory overlap or duplication of penalties.

In the accompanying explanatory memorandum, TRAI has reiterated that tariff reporting is a core regulatory obligation forming the backbone of the tariff forbearance regime. While the forbearance framework allows service providers flexibility in tariff fixation, timely and accurate reporting of tariffs is essential to enable regulatory oversight and to ensure adherence to principles such as transparency, non-discrimination, and non-predation. TRAI has emphasised that delays in tariff reporting can undermine consumer protection and distort market functioning, thereby necessitating an effective and proportionate enforcement mechanism.

TRAI has further clarified that the graded nature of financial disincentives and the introduction of a monetary ceiling are intended to ensure proportionality, fairness, and predictability in enforcement, while avoiding unduly punitive outcomes, particularly in cases of minor or inadvertent non-compliance. At the same time, the levy of interest on delayed payments is intended to discourage non-payment and ensure timely compliance with regulatory orders, in alignment with similar approaches adopted under other regulatory instruments and the broader framework of the Telecom Act.

## **TRAI releases Reporting System on Accounting Separation (Amendment) Regulations, 2026**

On March 24, 2026, TRAI notified the Reporting System on Accounting Separation (Amendment) Regulations, 2026 ("**Amendment Regulations**"), further amending the Reporting System on Accounting Separation Regulations, 2016 ("**RS Regulations**").

The Amendment Regulations primarily revise Regulation 6 of the RS Regulations, dealing with the consequences of non-compliance with reporting obligations under Regulation 5 of the RS Regulations. TRAI introduced a graded and enhanced framework for financial disincentives applicable where a service provider fails to submit accounting separation reports within prescribed timelines or submits incorrect information. Where a service provider contravenes Regulation 5 of the RS Regulations, it will be liable to pay a financial disincentive of INR 20,000 (Indian Rupees twenty thousand) per day for the first 7 (seven) days of contravention, and INR 40,000 (Indian Rupees forty thousand) per day for each subsequent day, subject to an overall maximum ceiling of INR 10,00,000 (Indian Rupees ten lakh). In cases of repeated non-compliance in 2 (two) or more consecutive years, the penalties escalate to INR 50,000 (Indian Rupees fifty thousand) per day for the first 7 (seven) days and INR 75,000 (Indian Rupees seventy-five thousand) per day thereafter, subject to a higher ceiling of INR 25,00,000 (Indian Rupees twenty-five lakh).

The amended framework also introduces turnover linked financial disincentive slabs for cases of false reporting or deliberate omission of material facts. Depending on the annual turnover of the service provider and based on whether the violation is classified as minor or major, the financial disincentive may range from INR 25,00,000 (Indian Rupees twenty-five lakh) to INR 5,00,00,000 (Indian Rupees five crore). This seeks to distinguish between inadvertent or

technical errors and deliberate misreporting that may materially affect regulatory analysis, competition assessment, or consumer interest.

Further, the Amendment Regulations provide for the levy of interest on delayed or non-payment of financial disincentives. Where a service provider fails to pay the imposed amount within the stipulated period, it will be liable to pay simple interest at a rate 2% above the 1 (one) year MCLR of the State Bank of India, applicable at the beginning of the relevant financial year. For the purpose of interest computation, part of a month is deemed to be a full calendar month.

The amended Regulation 6 also reinforces procedural safeguards, including the requirement that no financial disincentive order may be issued unless the service provider is given a reasonable opportunity of making representations. TRAI has further retained its discretion to waive the financial disincentive, impose a lower amount, or classify violations as minor or major, based on the merits of the explanation furnished by the service provider.

In the accompanying explanatory memorandum, TRAI has emphasised that accounting separation reports are critical regulatory tools. It enables TRAI to obtain disaggregated, service wise, product wise and licensed service area wise financial information that is not available through aggregated audited financial statements. Such information is essential for regulatory decision making, including cost analysis, assessment of cross subsidisation, identification of predatory pricing, inter-operator comparisons, and broader competition oversight.

TRAI has clarified that the financial disincentive mechanism under the accounting separation framework is not intended to be revenue-generating, but is designed solely to ensure timely, accurate, and reliable reporting. The introduction of graded disincentives, turnover-based slabs for serious violations, monetary ceilings, and interest on delayed payments is intended to ensure proportionality, fairness, and regulatory certainty. It also strengthens enforcement and safeguarding consumer and market interests in line with the Telecom Act and the ease of doing business objectives.

## **Supreme Court of India held that spectrum usage rights cannot be subjected to insolvency proceedings under the IBC**

The Supreme Court of India (“**Supreme Court**”), through its judgment<sup>1</sup> dated February 13, 2026, arising from the insolvency proceedings of the Aircel Group entities, held that spectrum allocated to Telecom Service Providers (“**TSPs**”) constitutes a scarce natural resource held by the Union of India in public trust, that TSPs acquire only a limited and conditional right to use spectrum under a licence, and that such spectrum or spectrum usage rights do not constitute an asset of the corporate debtor capable of being subjected to proceedings under the IBC. The appeals arose from voluntary insolvency applications filed by the Aircel Group under Section 10 of the IBC, through which the entities sought to invoke moratorium protection against recovery proceedings initiated by DoT for outstanding licence fees and spectrum usage charges. While the National Company Law Appellate Tribunal (“**NCLAT**”), in the impugned order, had treated spectrum usage rights as intangible assets of the corporate debtor, it had simultaneously held that the dues payable to the DoT could not be extinguished through the insolvency process. This approach was ultimately rejected by the Supreme Court, by holding that spectrum, though shown as an asset in accounting terms, does not fall within the insolvency estate under the IBC. It remains governed exclusively by the telecom regulatory framework. The Supreme Court set aside the NCLAT’s findings in material part and held as follows:

1. that spectrum is a finite natural resource held by the State in public trust on behalf of the people, and that a telecom license confers no proprietary interest in spectrum upon the licensee;
2. relying on the explanation to Section 18 of the IBC, it was held that spectrum usage rights do not constitute ownership rights in favour of the TSPs. Therefore, it falls outside the pool of assets available for insolvency or liquidation proceedings under the IBC; and

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<sup>1</sup> *State Bank of India vs. Union of India and Ors.*, 2026 SCC OnLine SC 202

3. that TSPs cannot invoke the corporate insolvency resolution process under Section 10 of the IBC with the intent of withholding dues payable to the Government or frustrating DoT's power to suspend, revoke, or terminate licenses. Any such initiation would amount to a fraudulent and malicious misuse of the insolvency framework.

### **Supreme Court set aside Telecom Disputes Settlement and Appellate Tribunal's ruling on commencement of reserve price liability for post-2G spectrum operations**

The Supreme Court, through its judgment<sup>2</sup> dated February 20, 2026, allowed an appeal filed by the Union of India against an order of the Telecom Disputes Settlement and Appellate Tribunal ("TDSAT") that had substantially reduced the financial liability imposed on Sistema Shyam Teleservices Limited ("SSTL") consequent to the quashing of its 2G spectrum licenses in 2G judgment<sup>3</sup>.

By its order dated February 15, 2013, passed in interlocutory applications arising out of the Supreme Court's judgment in 2G spectrum case, the Supreme Court directed that all licensees who continued operations after February 2, 2012, irrespective of whether they had participated in the November 2012 auction held pursuant to the 2G Judgment, were required to pay the reserve price fixed for that auction. TDSAT had held that this liability commenced only from February 15, 2013, being the date of the Supreme Court's order. The Supreme Court set aside this finding and held as follows:

1. the liability to pay the reserve price of the November 2012 auction commenced from February 2, 2012, being the date from which licensees continued operations after the quashing of their licenses, and this aspect was not open to re-interpretation or independent determination by the TDSAT;
2. SSTL's liability to pay the reserve price concluded on April 30, 2013, for the 8 (eight) circles in which SSTL's bid was accepted in March 2013, and on March 23, 2013, for the remaining 13 (thirteen) circles, consistent with the date on which the letter of intent was issued to SSTL stipulating commencement of the fresh 20 (twenty) year term; and
3. interest at the State Bank of India's prime lending rate will be payable only from December 8, 2014, given that DoT itself had failed to act upon the court's order dated February 15, 2013, until November 17, 2014. It could not seek to recover interest for a period of inaction attributable to itself.

### **TDSAT held that a Virtual Network Operator cannot seek extension of an empanelment agreement beyond its contractual term on grounds of frustration**

The TDSAT, through an order<sup>4</sup> dated February 3, 2026, dismissed a petition filed by Plintron India Private Limited ("Plintron"), a Virtual Network Operator ("VNO"), seeking a declaration that its empanelment agreement with Bharat Sanchar Nigam Limited ("BSNL") remained operative beyond its contractual expiry and restoration of connectivity.

Plintron entered into an empanelment agreement dated October 23, 2017, with BSNL for the empanelment of Plintron as a VNO, enabling it to provide mobile services including regulated voice calls, short message service, data, and internet of things/machine to machine services to end subscribers by leveraging BSNL's network and wholesale facilities, for an initial period of 5 (five) years. Plintron contended that BSNL's persistent delays in platform integration, mobile number portability gateway readiness, and validation of the wholesale billing system had frustrated the very purpose of the empanelment agreement, and that the stipulated 5 (five) year term ought to be reckoned from the date BSNL's network was actually made ready for commercial operations. BSNL, on the other hand, contended that the empanelment agreement had expired by efflux of time in October 2022 and had become commercially unviable.

TDSAT adjudicated the dispute following the dismissal of a writ petition filed by BSNL before the Delhi High Court, which had been instituted to challenge the maintainability and jurisdiction of the TDSAT proceedings and continuation

<sup>2</sup> *Union of India vs. Sistema Shyam Teleservices Limited*, 2026 SCC OnLine SC 277

<sup>3</sup> *Centre for Public Interest Litigation vs. Union of India*, (2013) 10 SCC 270

<sup>4</sup> *Plintron India Private Limited vs. Bharat Sanchar Nigam Limited*, W.P.(C)-12240/2024

or extension of the empanelment arrangement beyond its contractual term, by judgment dated May 22, 2025. TDSAT held as follows:

1. the empanelment agreement was for a fixed and limited period of 5 (five) years as expressly stipulated in the agreement and accordingly lapsed upon completion of that period without any scope for extension;
2. there was no 'must provide' regime or statutory obligation mandating BSNL to continue providing services to Plintron beyond the terms expressly agreed between the parties;
3. the TDSAT does not have jurisdiction to extend a contract that has expired by efflux of time where the contractual terms are unambiguous and there is no mutual consent to extension; and
4. significant investment by a party does not, by itself, give rise to a legitimate expectation of indefinite continuation of contractual relations in the absence of an express contractual provision or statutory mandate to that effect.

## Telecommunications & Broadcasting Practice

Our Communications practice is handled by a team with specific domain expertise, and we advise various stakeholders in both Telecom & Broadcasting sectors on a wide range of transactions and assignments that involve constitutional, legal, contractual, commercial, regulatory and policy advice. We advise broadcasters, BPOs, Internet Service Providers (ISPs), operators and investors in the Global System for Mobile Communications (GSM) and the Code Division Multiple Access (CDMA) technologies, and new investors on diverse licensing issues, entry strategies, structuring, national security challenges, and other regulatory issues. Some of the main aspects handled/negotiated/advised by us include commercial arrangements; mergers & acquisitions (including FDI) and joint ventures; spectrum allocation; communication satellites; and regulatory compliances and strategic advice including handling regulatory proceedings. We represent the interests of licensees and other stakeholders in interacting with the licensor and regulators with respect to reforms in the regulatory and policy framework to facilitate business growth, drawing upon international best practices. We advise and represent investors, broadcasters, and telecom licensees on commercial transactions in this sector, including restructuring, divestment, licensing, and project financing (vendor financing and corporate finance). We advise telecom service providers and other corporate houses on all aspects of spectrum licensing and allocation, including fundamental issues relating to the scope of spectrum bands, the regulatory framework governing their allocation in India, and planning, strategising and following up on their application to the Government. We advise and represent diverse entities in proceedings before the concerned licensing, regulatory, judicial and quasi-judicial authorities (including DoT, MIB, TRAI, TDSAT, various High Courts and the Supreme Court). In such proceedings, we assist clients in developing strategies, render opinions, draft pleadings and lead/assist in the proceedings. We have a strong track record of providing quality advice and concrete results to the above segments of the communications industry, and have been engaged in handling the key legal, regulatory and policy issues that have historically arisen in the industry.

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19 Practices and  
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8 Ranked Practices,  
22 Ranked Lawyers



15 Practices and  
20 Ranked Lawyers



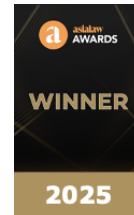
13 Practices and  
49 Ranked Lawyers



20 Practices and  
24 Ranked Lawyers



8 Practices and  
10 Ranked Lawyers  
Highly Recommended in 5 Cities



**Regional Legal Expertise Awards  
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Antitrust Firm



Among Best Overall  
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9 winning Deals in  
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15 A List Lawyers in  
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Recognised in World's 100 best  
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Ranked Among Top 5 Law Firms in  
India for ESG Practice



Asia M&A Ranking  
2025 – Tier 1

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