

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.10656 of 2013

G. Natarajan

.. Petitioner

Vs

1.The Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg (Old Minto Road)
New Delhi-2.

2.The General Manager (Comm1 & Admn)
Vodafone South Ltd., 6th Floor
TVH BELICIAA Tower 1

Block 94, MRC Nagar, Chennai-28.

3.The Assistant General Manager
Comm1 & Admn BSNL

238 R.K. Mutt Road, Chennai-28.

.... Respondents

Prayer : The writ petition is filed to issue a Writ of Mandamus, directing the respondents 2 and 3 to provide the petitioner with the call details relating to the Cell Phone Nos.9962532397 and 9445850198 from 10.1.2013 to 18.1.2013.

For Petitioner : No appearance

For Respondent No.1 : Dr.N. Devendiran

Standing Counsel for TRAI

For Respondent No.2 : Mr.Doveshwar

for Mr.Shivakumar and Suresh

For Respondent No.3 : No appearance

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O R D E R

There is no representation on behalf of the petitioner, as well as the third respondent. Heard the learned counsel, appearing on behalf of the respondents 1 and 2.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 2 and 3, to provide the petitioner with the call details, relating to the Cell Phone Nos.9962532397 and 9445850198, from 10.1.2013 to

18.1.2013.

3. Paragraphs Nos.7 and 8 of the reply filed on behalf of the first respondent read as follows:-

"7.That TRAI has not issued any regulations or directions or orders mandating the service providers to provide their customers on request, the details of cell tower flow/tower point location.

8.The TRAI has also not issued any regulations or directions or orders for providing incoming call details. However, for providing outgoing call details, with respect to any request from the pre-paid consumer provisions have been made under the Telecom Consumers Protection Regulations, 2012 (2 of 2012), dated 6.1.2012 issued by TRAI. Regulation 8 of the said regulations reads as under:-

"Past usage details in respect of pre-paid mobile connections-
Every service provider shall, within forty five days from the date of issue of these regulations, on request from any prepaid consumer, provide to such consumer at reasonable cost, within a time period of thirty days of receipt of such request, information relating to

(a) Itemized usage charge for all calls;
(b) Number of SMS sent and the amount charged for such SMSs;
(c) Value added services availed and the amount charged for such service;

Premium Rate Service availed and the amount charged for such service;

Roaming charges;

Provided that it shall not be obligatory on the part of the service provider to provide information for any period beyond the period of six months proceeding the date of request.

Explanation - For the purposes of this regulation, "reasonable cost" means charges not exceeding rupees fifty or charges payable by the post paid consumers of the same service provider for obtaining similar information, whichever is lower."

True copy of Telecom Consumers Protection Regulations, 2012 (2 of 2012), dated 6.1.2012 is annexed herewith and marked as Annexure R-1/2."

4. Further, the learned counsel, appearing on behalf of the second respondent had submitted that the records relating to the call details of the mobile phones would stand destroyed, after the lapse of one year, as per Clause 41(17) of the License issued by the Department of Telecommunications. Therefore, the call details, required by the petitioner, cannot be furnished.

5. In view of the submissions made by the learned counsel, appearing on behalf of the second respondent, this Court does not find any merit in the writ petition filed by the petitioner. Therefore, the relief prayed for by the petitioner, cannot be granted. Hence, the writ petition stands dismissed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rnb

To

1.The Telecom Regulatory Authority of India
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3.The Assistant General Manager
Comm1 & Admn BSNL
238 R.K. Mutt Road, Chennai-28.

+1 CC to M/S.Shivakumar & Suresh, Advocate (Sr.No.54749)

+1 CC to M/S.Dr.M.Devendran, Advocate (Sr.No.54760)

CO-RNB

ths : 19.10.2016

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