

Government of India
Ministry of Communications
Department of Telecommunications
Wireless Planning & Coordination (WPC) Wing
Sanchar Bhawan, 20, Ashoka Road, New Delhi – 110001.

No.: L-14006/01/2022-NTG

Date: 15.06.2022

Guidelines for surrender of Access spectrum by Access Service Providers

The DoT's Office Memorandum No. L-14047/08/2021-NTG dated 08.10.2021, while conveying a number of reforms in the Telecom sector approved by the Government with a view to protect and generate employment opportunities, promote healthy competition, protect interests of consumers, infuse liquidity, encourage investment and reduce regulatory burden on Telecom Service Providers (TSPs), among others, also mentioned that TSPs would be permitted to surrender the access spectrum acquired by them through the future auctions.

2. Having considered TRAI recommendations on "Auction of Spectrum in frequency bands identified for IMT/5G" dated 11th April, 2022 regarding surrender of spectrum, the Government has decided to permit surrender of spectrum acquired henceforth by the TSPs in accordance with the following guidelines:

2.1 Eligibility period for surrender of spectrum:

- i) TSPs would be permitted to surrender the spectrum, acquired through any auction conducted henceforth, after a minimum period of 10 (ten) years from the date of acquisition of such spectrum. Spectrum so acquired when transferred from one TSP to another through trading or any other permitted means of acquisition would also be eligible for surrender after a minimum period of 10 (ten) years from the effective date of such acquisition.
- ii) Spectrum acquired prior to the date of issue of these guidelines, either through auction or any other permitted means of acquisition, would not be eligible for surrender.

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- iii) Spectrum acquired through auctions conducted before issue of these guidelines and traded after issue of these guidelines would also be not eligible for surrender.

2.2 Processes and associated terms & conditions for surrender:

- i) For surrender of spectrum, a TSP would be required to submit an online application at least 12 months prior to the proposed date of surrender containing details such as spectrum bands, LSAs, frequency blocks, mode and date of acquisition of the spectrum being surrendered as per the prescribed format (**Annexure**).
- ii) The quantity of spectrum qualifying for surrender would be any multiple(s) of the block size specified in the relevant Notice Inviting Applications (NIA).
- iii) In-principle approval along with details of outstanding spectrum dues, i.e. dues relating to acquisition of right to use spectrum, till the proposed date of surrender, if any, in respect of proposed quantity of spectrum being surrendered, or otherwise would be conveyed by the Department within a period of sixty days from the date of application for surrender of spectrum. Other payments/dues of the TSP would not be linked to surrender of the spectrum under consideration.
- iv) The TSP shall clear the dues so communicated within a period of three months from date of demand raised by the Department.
- v) Upon clearance of dues, the final approval to the surrender of spectrum, effective from proposed date of surrender, would be communicated by the Department to the TSP within 15 days.
- vi) On the date of surrender of spectrum, the TSP should submit a declaration that the surrendered spectrum has been vacated and is no longer in use.
- vii) The surrendered spectrum would be put to auction at the first opportunity after the final approval to surrender of spectrum is issued.

- viii) On surrender of spectrum, no future instalments with respect to surrendered spectrum will be required to be paid after the date of surrender.
- ix) There shall be no refund of any payment made, either as full or partial upfront payment or instalments or pre-payments, towards the acquisition of such spectrum.

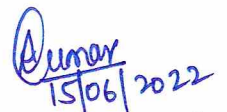
2.3 Provisions relating to bar to take part in auction and lock-in period:

- i) In case a TSP surrenders partial or complete spectrum in a LSA-band combination, it will be barred to take part in the auction of spectrum in that LSA-band combination for a period of 2 years from date of surrender of spectrum.
- ii) In case a TSP has acquired some spectrum in a LSA-band combination, a lock-in period of 2 years will be applicable, before surrendering the qualifying spectrum in that LSA-band combination acquired earlier.

2.4 Processing fee:

A nominal processing fee @ Rs. 1,000 (Rupee One thousand) per spectrum band per LSA would be charged from the TSPs for surrender.

3. The above process of surrender would be carried out through an online process in a time-bound manner.


15/06/2022

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Enclosure: Annexure.

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**Format of
Application for Surrender of Access Spectrum
(to be submitted online on SaralSanchar portal of DoT)**

1.	Name of the licensee who is surrendering right to use spectrum	
2.	License No. of the licensee and date of expiry of license	
3.	Name of the LSA where spectrum is being surrendered	
4.	Frequency Band in which spectrum is being surrendered	
5.	Total spectrum holding of the licensee in the band in the LSA where spectrum is being surrendered	
6.	Auction year-wise break-up of total spectrum holding (at Sl. No. 5 above) in the band in the LSA (Quantum, mode of acquisition, date of acquisition, date of expiry)	
7.	Details of spectrum being surrendered (Quantum, mode of acquisition, date of acquisition, date of expiry-attach a copy of relevant spectrum assignment letter)	
8.	Details of payment made i.r.o the spectrum under surrender (Upfront/ Equated Instalments)	
9.	Proposed date of surrender (at least 12 months after the date of submission of this application)	
10.	Details of Fee submitted for processing request of surrender (Receipt/ Challan no.)	
11.	Undertakings: Applicant undertakes that:	

	<p>i) all the outstanding spectrum dues i.r.o the spectrum under surrender till the proposed date have been fully paid/cleared</p> <p>ii) on the proposed date of surrender of spectrum, the applicant will confirm that spectrum has been vacated and is no longer in use.</p> <p>iii) no spectrum has been acquired by the applicant (in the band in the LSA where spectrum is being surrendered) through auction or any other permissible mode of acquisition in 2 years' prior to the proposed date of surrender.</p> <p>iv) no spectrum shall be acquired by the applicant (in the band in the LSA where spectrum is being surrendered) either through auction or any other permissible mode of acquisition during next 2 years from the proposed date of surrender.</p> <p>v) they fulfil all the conditions mentioned in DoT's guidelines for surrender of Access spectrum by Access Service Providers (No. L-14006/01/2022-NTG) dated 15.06.2022.</p>	
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Name/Signature of the authorised signatory of the TSP/date