

MOST RESPECTFULLY SHOWETH:

1. That this writ petition is filed under Article 32 of the Constitution of India and for the sake of brevity; the facts and circumstances of the present Writ Petition are stated in nutshell hereinbelow for a kind perusal of the Hon'ble Court.
2. It is submitted that the principle issue in this petition is the protection of the citizens' 'right to know' matters of public affairs and public interest, by declaring lawful, the public dissemination of information that reveals how public affairs are run and other such matters of public interest (under Article 19(1)(a) of the Constitution of India) along with protection of the life and liberty and safety, of any-one who disseminates such information to the public, namely, a 'public whistle-blower' (under Article 21 of the Constitution of India).
3. That this writ is being filed seeking this Hon'ble Court to issue appropriate order(s)/writ for proper audit of Telecom Companies through specific and prescribed procedure for actual customer base because it is apparent that they are using fraudulent subscriber numbers as the base for getting access to extra/additional spectrum. Spectrum is a scarce resource for the nation and has vital importance. Spectrum is exceedingly constructive for the defence organization of the nation.
4. **Petitioner** - The Petitioner is the founder of registered society formed for the purpose of protection of public interest by conducting public interest litigation in an organized manner.

The Petitioner is Founder President of the society. The petitioner has earlier filed a public interest petition titled Avishek Goenka & Ors. Vs. Union of India, seeking appropriate writ(s)/direction(s) to the Respondents to implement strict measure for compulsory subscriber verification guidelines for securing a mobile connection and to make physical verification compulsory for securing a new mobile connection as well as for the existing pre-paid mobile subscribers. The said writ petition captioned is pending disposal at the preliminary stage before the Hon'ble the Chief Justice, Hon'ble Mr. Justice Swatantra Kumar and Hon'ble Mr. Justice Radha Krishnan.

5. That it is pertinent to mention that for the allotment of extra spectrum to telecom companies, one of the criteria for this allotment is the subscriber base of the allottee. Therefore, the allotment of further spectrum is directly proportional to the subscriber base of the telecom companies. Irrespective of monetary terms involved with the allotment of spectrum, that is, be it the spectrum allotted for gratis in the past or the probability of allotment of spectrum with monetary payment to the authorities recently, the subscriber base has always been the criteria for the allotment of spectrum to the telecom companies. Therefore, it must be taken to mean that the authenticity of the subscriber base of a telecom company is utmost fundamental.

6. That it is pertinent to mention that the telecom companies play blame game and accuse each other over imperfect procedure of verification of the real time subscriber base. The Economic Times in its article "Telecos in fresh row over user numbers" dated 7th December, 2010, reported clearly in accordance with information given by TRAI, that less than 50% of the subscribers' subscribed with the newer cellular operators were found actually active in comparison to the national average of 70% active users who were subscribed with the older service provider telecom companies. The percentage depicting the active customer base has reached this figure on the basis of the criteria of customers being active only once in a particular month. Further to the aforementioned, it is most humbly submitted that a grave fact which must not be ignored is that there exists pre-activated SIM cards (activated without any document) in the market and this signifies that even the aforementioned figure of 70% may not be relied upon. As already mentioned, the article has put across the fact that above mentioned percentage includes even those customers who have been active once in a month. Needless to mention that under the life-time schemes being provided by the telecom companies, receiving of just a single call in a month can be the basis for determining a customer as active subscriber. The article further throws light upon the fact that the spectrum allocation beyond contracted limit to the existing telecom operators has incurred a national loss of Rs. 37, 000 crores to the government exchequer. The said article also reveals the fact that the Tata group has insisted

the telecom department to audit subscriber base of operators to prevent spectrum hoarding and thereby, curbing resultant loss of wealth to the nation. The aforementioned fact divulges that the customer base is being created by the telecom companies' at all possible costs and no stone has been left unturned by them in this regard. They have heavily compromised with the national security and the same is clearly established. A copy of the said article has been annexed as **ANNEXURE P/1**.

7. That currently additional spectrum is allotted to a particular telecom company on the basis of network rollout and the subscriber base of that telecom company. According to the Department of Telecom (DoT) officials, a spectrum beyond 4.4 MHz and up to 6.2 MHz may be considered after optimal and efficient utilisation of allocated spectrum taking into account all types of criteria prescribed from time to time. It is pertinent to mention here that there are no prescribed criteria even for the expansion of the allocated spectrum. According to an article "Debate over free spectrum" as reported by The Telegraph, Kolkata on 15th February, 2011, a section of the DoT believes that it should first grant 4.4Mhz and then another 1.2Mhz based on some criteria must be granted. A mobile license initially comes with a bundle of 4.4Mhz. A copy of the said article has been annexed as **ANNEXURE P/2**. The telecom companies use scarce measures for mobile verification of the subscribers and also adopt inadequate procedure to constantly screen off subscribers who are no more active. The

petitioner had moved this Hon'ble Court through his public interest petition *Avishek Goenka Vs. Union of India* [W.P. (PIL) 285 of 2010] wherein the petitioner has prayed before this Hon'ble Court for issue of appropriate writ/order(s) for compulsory physical verification of existing as well as new customers using pre-paid mobile services. A copy of the said petition has been annexed as **ANNEXURE P/3**.

8. That the humble petitioner respectfully submits that infamous scam which has involved fee evasion in the matter pertaining to the sale of 2G spectrum alleged to have caused national loss to the government exchequer to the tune of over Rs. 1.4 – 1.7 lakh crores through arbitrary and mala fide awarding of 2G spectrum licences. In the instant writ petition (PIL) the petitioner submits that there can be additional scam, similar in nature and magnitude, which will again cause huge loss to the government exchequer if there is no check on the inflated and false subscriber base as projected by the telecom companies. They do this in order to gain access to extra spectrum. It is relevant to mention that the telecom companies provide a deceitful data of the total numbers of subscribers so as to inflate the actual subscriber base which they possess in veracity. This approach is adopted by the telecom companies with an idea to keep on acquiring extra spectrum, needless to mention, whose monetary value is very high as well as the same is a sparse national resource owing to the fact that it is a vital utility element for defence organisations. “Armed forces object to spectrum allocation plan” reported in the Economic

Times dated 31st March 2011 depicted the fact that the defence ministry has alleged that the National Frequency Allocation Plan has not been implemented properly and airwaves that were to be exclusively reserved for the armed forces have not been allotted to the armed forces. The defence ministry, in a March 17 communication to the telecom ministry, has also accused the latter of violating the sanctity of the deal between both the ministries regarding allocation of spectrum. A copy of the said newspaper article has been annexed as **ANNEXURE P/4**.

9. That it is humbly submitted before this Hon'ble Court that audit of existing customer base is required ensuing in withdrawal of excess spectrum. It is pertinent to bring to the knowledge of this Hon'ble Court the modus operandi of the telecom companies regarding inflating their subscriber base. The base of subscriber creation is under-mentioned.

The telecom companies adopt multi strategies for using incorporated SIM card serial number and mobile number as the source for inflating their subscriber base. The same has been specified as follows:

- i. An individual can possess multiple SIM connections issued in his/her name which results in the inflation of subscriber base.
- ii. Umpteen number of SIM cards are operational / sold on fake identity verification which consequently adds to subscriber base, thereby, inflating the subscriber base of the respective telecom company.

- iii. There is no clear policy at present for disconnection of non-active customers and hence with life time customer packs into existence even a non-active customer exists in the system.

Further to the submissions made hereinabove, only seventy percent of mobile subscribers are reflected as active and to add to this fact, with massive number of mobile connections activated at pre verification stage (pre activated mobile connections) for one time benefits, the actual audited base of active customers will not exceed fifty percent. For this reason, it can be inferred that the telecom subscriber base of mobile consumers of our nation is inflated by fifty percent. The facts in this paragraph has been derived from an article titled "*Statement inaccurate: Tata Tele*" which had appeared in the Times of India dated 7th December, 2010. A copy of the said article has been annexed as **ANNEXURE P/5**.

The following illustration is submitted in order to elucidate the facts and put before this Hon'ble Court a better understanding of the issue under context i.e., contents of this para 10.

Considering the maximum retail price for life time SIM connection is Rs. 61 and the retailer cost the SIM being Rs. 11 along with the retailer incentive on activation fixed at Rs. 20, the net retailer cost of SIM is Rs. -9. The promotional end user talk time worth Rs. 10 is provided and the retailer sells the SIM for free to –

a) *Genuine users who reap a benefit of Rs. 10 promotional talk value. Retailer profit (Rs. 11 subtracted from Rs. 20 is equivalent to Rs. 9.*

b) *The retailer can further activate multiple connections on fake verification documents and sell the SIM cards as re-charge vouchers of Rs. 10 for an amount as low as Re. 1.*

The retailer's profit in the foregoing example (b) shall be (Rs.20+Re.1 and subtracting Rs.11 from the same) = the residual amount is Rs. 10.

Owing to the fact that talk time worth Rs. 10 is made available intrinsically along with the SIM card, therefore such SIM cards are sold as recharge vouchers

In view of the fact that retailers have access to multiple identity verification documents which stands manipulated, in the midst of more than 25 lakhs mobile service retailers in our country, it is a cinch for the mobile service retailers to append 50 lakhs of fake active customers every month in order in order comply the dictate of a telecom company whose mission is to achieve maximum strength of spectrum by hook or by crook. Thus veracity of identity must be established to hilt before allotment of Spectrum.

10. That the proper procedure for audit of subscriber base is necessary because it directly deals with the allocation of extra spectrum. The ground for this is to take back extra spectrum which has been falsely allocated in the past. The indispensable object is to achieve enhanced utilization of spectrum which serves to be a priceless and scanty resource for the country.

This suggestion can also be substantiated from the article “*Statement Inaccurate: Tata Tele*” which appeared Economic Times edition of 7th December, 2010. A copy of the said article has already been annexed as **ANNEXURE P/5**.

11. That an article titled “*Lack of identity proof: DoT scanner on cell connections*” which appeared in the Times of India on 8th January, 2011 reported that multiple connections are ascribed against the name and identity of a particular individual though, that particular individual remains oblivious of the fact any such mobile connection does exist in their name. A copy of the said article has been annexed as **ANNEXURE P/6**. The article also significantly mentions that ongoing competition among private telecom/cellular operators; they offer lower introductory tariffs to attract maximum customers. This practice in turn has motivated customers to use SIM cards as mere recharge coupons, which they change very frequently. Thus, the telecom companies are trying to acquire more and more customers at any cost by compromising over everything including but not limited to national security and wastage of state largess like spectrum. Since, the formula for calculating subscriber is number of SIM cards issued and hence, (100) SIM cards in one name, will add to (100) subscribers.

12. That the fake subscribers are added through the submission of fake documents and there is no deactivation

procedure for the customers who are not active. Furthermore, the de-activation procedure is not at all linked with the recharge of SIM cards. The telecom companies follow negative pricing method under which they lure the customers. The telecom companies provide mobile connection at such a lower price so that rather than recharging the SIM card the customers' prefer taking a new connection each time after the talk-time of the existing card perishes. DoT has no information regarding prescribed procedure to curb the irregularities mentioned hereinabove and the same can be construed from the reply to the RTI query dated 28th December, 2010 received from DoT (AS Cell), Ministry of Communications. A copy of the said reply has been annexed as **ANNEXURE P/7**. The said reply also stated that the concerned authority in TRAI may be contacted for relevant information regarding the aforementioned. Further, it is humbly submitted that the petitioner had also sought information from TRAI through a RTI application to which the petitioner received reply on 27th December, 2010 wherein it was stated that TRAI has no information related to "issues related to subscriber verification". A copy of the said reply has been annexed as **ANNEXURE P/8**.

13. The telecom companies lure the customers with various promotional offer(s)/schemes and in order to live up to the competition in the telecom sector of having the maximum subscriber base the service providers are selling the prepaid

SIM cards without proper verification of the address of the subscriber and in this manner they are rendering the life and property of Indian citizens and national security into peril. Accordingly, the subscriber base of the telecom companies increases. The telecom companies provide SIM card at such a lower rate which has as much as four times calling value than the cost price of the SIM, this lures the customers and they buy a new SIM card upon the exhaustion of the balance amount in a particular SIM. They may keep one permanent SIM for incoming calls but the tripping over of SIM cards for making outgoing calls just for the insatiability of the amount of talk-time available on a new SIM connection. They further discontinue using the SIM once the balance gets over, but such deactivated connections also forms a part of subscriber base for a telecom company and the consequence is the inflated subscriber base of telecom companies. The monthly recharge value in every new SIM card allotted must be the criteria for determining the active customer rather than merely one time usage as followed currently.

14. That the starting point of creation of subscriber is allotment of SIM card. In the course of such process SIM card serial number and mobile number, both has their role and the same are linked. Therefore, the maximum number of mobile connections allotted results in increase in the varied SIM cards circulated in the market with their unique serial numbers. An individual can have multiple subscriber connections issued against a single name. As far as all such

connections are actively used, no problem creeps in. The moment any of such multiple connection stands non-functional, the same remains a part of the subscriber base data since there is no clear policy for disconnection of non-active customers.

15. That as said by Telecom Ministry that the free/additional spectrum will be charged henceforth, in that case even proper audit of subscriber base is required because investors are being duped by creating goodwill on basis of subscriber base. Also even if the spectrum is priced then too the allotment will be subscriber based and it is known fact that additional spectrum ensures better quality of services at a reduced investment.

16. That the subscriber base is reported on the basis of number of SIM cards in circulation. Lakhs of new connections are activated by offering trade margins to retailers and giving verbal termination notices to distributors in the event of non-achievement of activation targets. This pressured tactics by telecom companies on the operators ultimately results in submission of fake documents by the trade channels. Through the aforementioned practice, telecom companies achieve the target of increasing their subscriber base owing to the fact ones a customer becomes active through a SIM card, that particular customer becomes a part of the customer base. The subscribers very frequently trip over telecom companies to avail services which ultimately leads to fake and inflated

subscriber base because the discarded SIM card accrued in such process won't ever be used in future however; they remain being counted for the data of subscriber base. DoT term cell Director in Kolkata says that with lucrative introductory tariff the customers are being lured into using the connection cards as recharge vouchers and also they do not have any mechanism to cross-check whether the documents extended as identity and address proof are fake or original. So when the authenticity of the document can't be established then the mechanism of document based verification needs to be discarded. Therefore, when the authenticity of a document cannot be established, there arises the need for discarding the mechanism of document based verification.

17. That the SIM cards issued to the subscribers add into the HLR and this occurs by and large due to involvement of a few course of action which are as follows:
 - a.) Addition of fake subscribers who submit counterfeit verification documents;
 - b.) Multiple SIM cards/mobile connections issued on a single subscriber's name/verification owing to the negative pricing method adopted by the telecom companies;
 - c.) Further to the rationale presented in (b.) hereinabove; multiple SIM cards/mobile connections are also sold on fake identity verification which consequently adds to subscriber base, thereby, inflating the subscriber base of the respective telecom company;

d.) There is no clear policy at present for disconnection of non-active customers and hence with life time customer packs into existence even a non-active customer exists in the system.

18. That the telecom companies are just aiming to hoard as much subscriber base as they can and they do this finding the middle ground for the national security. The slapdash and improper verification or even providing SIM cards without customer verification is rampant and the telecom companies are just acquiring larger customer base. The distribution of SIM cards without proper verification of the customer is a great threat to the life and personal liberty of each and every citizen of the country as envisaged under Article 21 of the Constitution of India. The aforementioned practice is also a threat to national security and shall attract perils such as terrorist activities.

19. That the fundamental criteria for spectrum allocation should be proper report of the subscriber base. For this purpose, the Government must lay down strict and uniform procedure for determining the subscriber base of the telecom companies. The telecom companies in India are attracting various investors merely by luring them through the false data of inflated subscriber base. Therefore, it is prayed that there should be an audit for verifying existing customer base and also that is acquired for future.

20. That there in accordance with the response received by the petitioner through the RTI queries raised by the petitioner under the Right to Information Act, 2005; there is no penalty procedure if the telecom companies accept verification documents which are falsified. However, SIM trading procedure itself is negated, same being faulty, under the current prevalent practice adopted by telecom companies. The current prescribed penalty is nil if fake verification documents are submitted thus, they hardly possess any deterrent value for the telecom companies towards getting hold of heavy amount spectrum in lieu of such amount. A copy of the reply to RTI queries dated 8th February, 2010 has been annexed as

ANNEXURE P/9.

21. That the petitioner had sought, through a RTI application to DoT, the procedure for existing mechanism to study the subscriber base of each service provider. The formula for calculation of the subscriber base was provided in the RTI reply and the same is completely connected with the number of connections. According to the formula the number of telephone connections will be taken as follow:

a) In case of mobile: number of connections would be data available in HLR minus number of connection for whose both incoming and outgoing calls are barred.

b) In case of Land Line: number of connections in Telephone Exchange minus number of connections for whose both incoming and outgoing calls is barred.

A copy of the said RTI reply dated 20th April, 2010 has been annexed as **ANNEXURE P/10.** The formula referred to

hereinabove in this paragraph provides the concrete foundation for determining the subscriber base of the telecom companies, which serves as the basis for allocation of spectrum. The petitioner seeks for definite criteria for calculation of active subscribers' base as well. It is pertinent to reveal that the data stored in HLR pertaining to the number of SIM cards created is itself questionable owing to the flawed and tricky process of document verification against SIM card allotment. In HLR there are genuine as well as fake customers. The telecom companies' customer base includes the customers who have obtained SIM on fake document verification. The vital question which arises is the time-period for which a customer can remain active on HLR and the answer to this stands murky. DoT has no information regarding prescribed procedure to curb the irregularities mentioned hereinabove and the same can be construed from the reply to the RTI query dated 28th December, 2010 received from DoT (AS Cell), Ministry of Communications. A copy of the said reply has already been annexed as **ANNEXURE P/7**. The said reply also stated that the concerned authority in TRAI may be contacted for relevant information regarding the aforementioned. Further, it is humbly submitted that the petitioner thereafter sought information from TRAI through a RTI application and received reply dated 27th December, 2010 wherein it was stated that TRAI has no information related to "issues related to subscriber verification". A copy of the said reply has already been annexed as **ANNEXURE P/8**.

For the sake of brevity; the facts and circumstances mentioned in *Avishek Goenka Vs. Union of India* [Writ Petition No. 285 of 2010] are not repeated for the grounds mentioned hereinabove; wherein the petitioner has prayed before this Hon'ble Court for issue of appropriate writ/order(s) for compulsory physical verification of existing as well as new customers using pre-paid mobile services. A copy of the said petition has already been annexed as **ANNEXURE P/3**.

22. That there does not exist any procedure/process to neutralize/disengage a particular customer from the subscriber base who is not active for a considerable period of time. Neither exist any system for the time-period regarding depicting a customer as an inactive subscriber in the event of such customer's non-recharging of SIM card. The fact mentioned hereinabove can be substantiated from the RTI replies received by the petitioner from DoT as well as TRAI wherein both the authorities expressed non availability of information on any such process for the purpose as mentioned above in this paragraph. The reply dated to the said RTI query raised by the petitioner has been annexed as **ANNEXURE P/11(Colly)**.

23. That it is pertinent to mention that also the current penalty as imposed at present is comprehensively ineffective owing to the fact that DoT and TRAI has no method through which could enable them to check or scan through the forged verification documents to stop such illegality.

24. That it is relevant to bring to the notice of this Hon'ble Court that the mobile pre-paid customer verification was

proposed in a few north-eastern states and the same could not be carried out within prescribed time limit. As per the rule, since, the verification was not done so further recharge of such connection could not be done on which there was no verification. Thereafter, the operators of concerned telecom companies in such states persuaded those customers to get their connection recharged with a high value amount who had submitted improper verification documents and doing so their connection could stay functional. Thereby, they prevented the customers from submitting proper verification documents. The telecom companies remained in a winning situation as they retained the customer base simultaneously selling larger recharge value. Thus, it can be clearly construed that the nation can not simply rely upon the operators as far as mobile customer verification is concerned. The traders are pushed by the respective telecom companies to retain/increase subscriber base and are paid some incentive for the same. Consequently, the operators keep on compromising with the national security through their activities as mentioned above in this paragraph.

25. That there are two categories of subscribers, namely Genuine Subscribers and De-activated Subscribers. The class of Genuine customers/subscribers present in HLR can be further classified into two divisions; one being the genuine customers/subscribers who have followed proper verification process by submission of genuine identity verification documents and the other being those customers/subscribers who have procured mobile connection by means of fake

verification documents. Multiple customers/subscribers are present in the HLR who have submitted genuine documents while the others are customers/subscribers who have submitted fake documents. The other category comprises of the De-activated Customers. There is no methodology for determining such customers in our country. Neither can we determine the time-period for which a customer/subscriber can remain active on HLR without recharging their SIM card beyond a certain period of time. For the benefit of avoidance of any further disquiet it is pertinent to mention that the de-activation procedure is not at all linked with the recharge of SIM cards.

26. That no one has any clue regarding the time period for which a customer can be counted as an active customer without recharging the SIM card or without making a minimum prescribed numbers of outgoing calls. No doubt, the life-time schemes are exempted, but neither TRAI nor DoT has any answer to this call. That it is exceedingly relevant to mention that there does not exist any process to cross examine the genuineness of the data provided by the telecom companies regarding their subscriber base. The RTI reply which provides answer to this query has been annexed as **ANNEXURE P/11(Colly)**.

27. That the obligation pertaining to the verification of documents submitted by the customers rests upon the telecom companies. DoT does not have any prescribed procedure for the same. Even though TRAI is conducting verification drive but such measure constitutes only sample

documentary verification and provides an estimated data whose genuineness is highly questionable.

28. That it is pertinent to mention that various media agencies constantly peruse and report the issues mentioned in this petition therefore, much more relevant information can be sought from media agencies regarding this matter. The petitioner has also extended various information(s) of great credence and significance from different media agencies. The information sought from the media reports have also been cited at various paragraphs in this petition and the same has been annexed as annexures to this petition. The news channel IBN 7 reported on 2nd March, 2011 the rampant sale of SIM cards without any verification documents in the no man's land area of 10 meters on Indo-Nepal border in district Siddharthnagar in Uttar Pradesh. The cost price of these SIM cards as reported is Rs. 30 and any person can purchase any number of SIM cards. IBN 7 had conducted a sting operation in that area and came out with this report. This is a great threat to the national security. The cost of nation's security and life of people residing in India has become as low as Rs. 30 and it's a pitiable condition for the citizens of this nation. The petitioner has also extended information of great credence and significance from media agency. By virtue of the aforementioned it is humbly prayed before this Hon'ble Court that media agencies, namely The Times of India group, Ananda Bazar Patrika group, CNN-IBN, Hindustan Times and India Today group, be issued instructions, to extend to this Hon'ble Court, any information they happen to possess, in

whatsoever form, on the subject matter being petitioned and assist this Hon'ble Court. Media plays a vital role in exposing perils of the nation owing to its operations and has evidences in form of text, audios and videos. Furthermore, the media inputs in this petition can serve as indispensable evidence and it is pertinent to mention that media reports and inputs have been sought as evidence only and not as views. In a recent case of PIL on Rajarhat land allotment case in Kolkata, J.N. Patel, CJ. And B. Bhattacharya J. had instructed the petitioners to make newspapers party to the case owing to the fact that newspaper articles served as evidence in the case. A newspaper report on the said PIL titled, "HC admits PIL on Rajarhat land allotment" reported by the Times of India, Kolkata has been annexed as **ANNEXURE P/12**.

29. That it is pertinent to bring to mention that in this petition there has been mention of –

- a) Subscriber Base; and
- b) Active Subscriber / Customers.

It is hereby most humbly and respectfully submitted that while "Subscriber Base" as mentioned at various places has its connection / link with the quantity of SIM serial numbers which are enrolled / registered with the system, whereas, "Active Subscriber / Customer" relates to the quantity of subscribers who uses that particular SIM / Phone connection at least once during a minimum span of 30 (thirty) days. Now with around only 70% of total subscribers being active in any particular month, it is most likely that the balance 30% of the subscribers is fake subscribers owing to the fact that the

probabilities of a mobile connection not being used to either receive an incoming call or make an outgoing call once a day is out-of-the-way. Therefore, once in a month usage of such mobile connection appears to be highly fabricated. Further, since lakhs of SIM cards are either activated before documentation and also used one time as recharge vouchers, repeatedly, month after month, the consequence is “a variable float of millions of one time usage customers”. The estimated quantity of actual active base after deducting the monthly float should not be more than 50% against the specified estimated national average of 70%. Therefore, considering the huge gap between listed subscribers and active subscribers, it becomes inevitable to conduct to proper audit / survey of subscriber base.

30. That further to the submissions made before this Hon’ble court in the preceding paragraphs hereinabove, it is pertinent to mention that DoT has raised concerns of connections being given on forged documents, which are even used many times over by cellular operators to expand their customer base.

31. It is therefore submitted that the allotment of spectrum will be directly affected by any decision in the matter and thus the Petitioner is filing this petition.

PRAYER

It is, therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to:

- a) Issue a writ of Mandamus directing the Respondents to audit and ascertain actual number of genuine subscribers of each of

the telecom company operating in India and allocate "Spectrum" to the telecom companies on the basis of actual users;

- b) Issue appropriate order(s)/writ so that specific procedure is prescribed for determining current as well as future actual subscriber base of various telecom companies operating in India;
- c) Issue appropriate order(s)/writ for audit of existing customer base and upon that basis, subsequent withdrawal of excess spectrum allotted to the telecom companies after weeding out fictitious and artificial subscribers;
- d) Issue appropriate order(s)/writ for audit of actual active subscriber base of the telecom companies operating in India as the same has vital linkage with the inflation of subscriber base because such SIM cards which are not active further adds up to the subscriber base of the telecom companies;
- e) Issue appropriate order(s) or directions to the media agencies to assist the Hon'ble Court in the context by placing relevant material for stalling a misuse of "Spectrum".
- f) Issue such other and further appropriate order(s)/writ as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case.