

(7)

NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(REGISTRAR'S OFFICE)

No. NEPRA/R/TRF-100/7352

May 17, 2022

Subject: PETITION FILED BY PAKISTAN MOBILE COMMUNICATION LIMITED FOR
REVISION OF TARIFF FROM COMMERCIAL TO INDUSTRIAL

Enclosed please find herewith a copy of subject tariff petition filed by Pakistan Mobile Communication Limited (PMCL) vide its letter dated 12.05.2022 (received on 13.05.2022) for revision of tariff from commercial to industrial. Last information i.e. Tariff petition filing fee has been received from PMCL on 17.05.2022.

2. ADG (Tariff), Senior Advisor (M&E), Consultant (RE & Technical) and LA (KIP) are requested to go through the enclosed petition and offer their comments that whether the provided information / documents by PMCL are complete as per the requirements of Tariff Rules for admission or highlight / mention the shortcomings, if any, which may cause non-admission of the subject petition.

3. The requisite comments may kindly be provided as earliest as possible for further necessary action in the matter, please.

Encl: As Above

- 6. ADG (Tariff)
- 7. SA (M&E)
- 8. Consultant (RE/Tech)
- 9. LA (KIP)

17/5/22
(Mikhar Ali Khan)
Director

Copy to:

- 3. Registrar
- 4. Master File

Tariff Division Record

Dy No. 2875

Dated 17-5-22



In the name of P
N13/512
Detail Doc. I
copy L.
Chairman
- c/m (N&E/CO)
- c/m (Tech) - m (L&I/7)
- m/f

Pakistan Mobile Communications Limited
T +92 51 2817 533, F +92 51 2817 551
Digital Headquarters, DHQ 1,
1-A Kohistan Road, F-8 Markaz,
Islamabad, Pakistan.

May 12, 2022

THE REGISTRAR,
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY,
NEPRA Tower, Ataturk Avenue-East G-5/I,
Islamabad.

SUBJECT: *Petition for revision of tariff from commercial to industrial rates in accordance with applicable provisions the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (the NEPRA Act) read with the NEPRA (Tariff Standards and Procedure) Rules, 1998 (the Rules)*

Dear Sir,

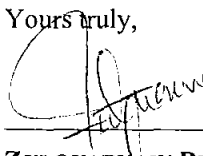
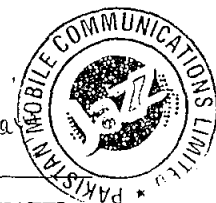
This is with reference to National Electric Power Regulatory Authority's ("NEPRA" or the "Authority") approved schedule of tariff which has been in effect since September 3, 2007, by virtue of which the Petitioner Company i.e., Pakistan Mobile Communication Limited is placed category A-2 and is paying electricity charges at tariff rates which are applicable to 'commercial connections'. Whereas the telecommunication sector has time and again through different policies and amendment to the enactments has been declared as an industry, it is yet to be afforded with the benefits of the same.

The Petitioner Company submits that: (i) NEPRA may kindly accede to the Petitioner Company's request of recognizing the telecom sector's status as that of an 'industry'; and (ii) afford such requisite approvals as may be required for revision of tariff from commercial to industrial rates in light of the status afforded to the telecom sector vide different policies and amendments introduced to the enactments.

In view thereof, this petition for revision of tariff from commercial to industrial rates is being filed pursuant to Section 46 of the NEPRA Act read with the Rules and all other enabling provisions of the law, duly supported with all the relevant documents.

We look forward for the Authority's early determination on the subject matter.

Yours truly,

ZULQUARNAIN BHATTI
HEAD OF TAX, CORPORATE & REGULATORY LITIGATION
FOR & ON BEHALF OF PAKISTAN MOBILE COMMUNICATIONS LIMITED

REGISTRAR
4.5.03
13.5.2022

Enclosures: (i) Copy of the Petition; (ii) Board of Director's Resolution; (iii) Affidavit; (iv) Annexures A to C.

BEFORE THE NATIONAL ELECTRIC POWER REGULATORY AUTHORITY

IN THE MATTER OF

Petition for revision of tariff from commercial to industrial rates in accordance with applicable provisions the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (the NEPRA Act) read with the NEPRA (Tariff Standards and Procedure) Rules, 1998 (the Rules)

ON BEHALF OF

PAKISTAN MOBILE COMMUNICATIONS LIMITED

DATED: MAY 12, 2022

PAKISTAN MOBILE COMMUNICATIONS LIMITED

ADDRESS: Jazz Digital HQ, 1-A Kohistan Road, F-8 Markaz, Islamabad, Pakistan

EMAIL: Zulquarnain.bhatti@jazz.com.pk

PHONE: +92-307-7775454

BEFORE THE NATIONAL ELECTRIC POWER REGULATORY AUTHORITY, ISLAMABAD											
IN THE MATTER OF											
<i>Petition for revision of tariff from commercial to industrial rates in accordance with applicable provisions the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (the NEPRA Act) read with the NEPRA (Tariff Standards and Procedure) Rules, 1998 (the Rules)</i>											
<i>Name and Address</i>	Pakistan Mobile Communications Limited (Petitioner Company), having its office located at Jazz Digital HQ, 1-A Kohistan Road, F-8 Markaz, Islamabad, Pakistan.										
<i>Manner in which the Petitioner is likely to be affected by the Determination in the proceeding</i>	<p>the Petitioner Company is a public sector company duly registered under the laws of Pakistan. It is licensed by the Pakistan Telecommunication Authority (PTA) to undertake the cellular telecommunication business in Pakistan. In performing its licensed activities of providing cellular services to the Pakistani market in general, the Petitioner Company consumes electric power which is provisioned through a number of DISCOs operating in Pakistan.</p> <p>At present the Petitioner Company is footing its electricity bills on rates which are applicable to commercial establishments in category A-2 across all regions and is bearing a significant cost under the head of electricity charges across the country. The table below will illustrate the impact on the Petitioner Company comprehensively:</p> <table><tr><th>DISCOs providing power to the Petitioner Company</th><th>Number of connections</th><th>Annual electricity consumption</th><th>Annual electricity charges</th></tr><tr><td>11</td><td>10,469</td><td>478,439,371</td><td>12,250,863,436</td></tr></table> <p>*Data duration is Jan - Dec Y21, amount is excluding adjustable taxes.</p>			DISCOs providing power to the Petitioner Company	Number of connections	Annual electricity consumption	Annual electricity charges	11	10,469	478,439,371	12,250,863,436
DISCOs providing power to the Petitioner Company	Number of connections	Annual electricity consumption	Annual electricity charges								
11	10,469	478,439,371	12,250,863,436								
<i>Contention/ Grounds of making the formal request</i>	<ol style="list-style-type: none">1. The present tariff rate as approved by NEPRA for category A-2, is being imposed on the Petitioner Company, who enjoys the status of being part of an 'industry' by virtue of the 'Mobile Cellular Policy, 2004' (Policy) and the recent amendments introduced to the Income Tax Ordinance (ITO) vide the Finance Act 2021 (FA 2021).2. The application of category A-2 is on commercial establishments and not on industry which has its own distinct category i.e., Category B. In view of the status of telecom sector as an 'industry' in light of the Policy and the amendment to the ITO, NEPRA as key regulator of the power sector may kindly revisit the position of placing the Petitioner Company and the telecom sector generally in the category A-2.3. Further to the Policy the Federal Government vide SRO No. 1(II)/2004-Inv III dated April 20, 2004 notified the telecom sector including cellular operations as an 'industry'. In continuation of the										

	<p>Policy and the aforementioned SRO, the Parliament amended the ITO through FA 2021 to confer the status of '<i>industrial undertaking</i>' on telecom companies such as the Petitioner Company, entitling them for the incentives available to industrial undertakings.</p> <p>4. Despite of the above, the Petitioner Company is being denied of the '<i>industrial tariff</i>' by DISCOs and NEPRA. The Petitioner Company which is being charged under category A-2 is, in fact, entitled under category B (<i>industrial supply</i>) for the supply of power by DISCOs in light of the Policy and the amendment to ITO (<i>reference is made to the newly inserted sub-clause (c), sub-section 29C of Section 2</i>).</p> <p>5. In view of the above made assertions, it is imperative to preserve the intent of the Legislature and the Executive, both of which have bestowed the status of '<i>industry</i>' on telecom sector, and this view has time and again been endorsed by the Hon'ble Courts as well which can be observed through judgements passed in <i>M/s Telenor Pakistan v Appellate Tribunal Inland Revenue (2017 PTD 1181)</i> by the Hon'ble Islamabad High Court and in W.P 42 of 2009 titled <i>PTCL v Government of Punjab and others</i> by the Hon'ble Lahore High Court. Now, the Petitioner Company and other operators look towards NEPRA to follow suit and bestow upon them their rightful entitlement of being placed in category B.</p>
<i>Relief Sought</i>	<p>a) NEPRA may kindly accede to the Petitioner Company's request of recognizing the telecom sector's status as that of an '<i>industry</i>' and being part of such sector extend all such benefits which are applicable in terms of electricity rates as provided under category B; and</p> <p>b) Afford such requisite approvals as may be required for revision of tariff from commercial to industrial rates in light of the status afforded to the telecom sector vide the Policy and the amendment to the ITO.</p>
<i>Brief of Evidence</i> (if any)	Attached as Annex A to C

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1. DETAILS OF PETITIONER

1.1. NAME AND ADDRESS

Petitioner: Pakistan Mobile Communications Limited (the “**Petitioner Company**”)
Address: Jazz Digital HQ, 1-A Kohistan Road, F-8 Markaz, Islamabad, Pakistan
Email: Zulquarnain.bhatti@jazz.com.pk
Phone: +92-307-7775454

1.2. AUTHORIZED REPRESENTATIVE OF PETITIONER COMPANY

Name: Mr. Zulquarnain Bhatti
Designation: Head of Tax, Corporate and Regulatory Litigation

2. GROUNDS OF PETITION

2.1. SUMMARY AND BACKGROUND

- 2.1.1. The Petitioner Company is a public limited company incorporated under the laws of Pakistan, with its registered office located at the address mentioned in Section 1.1 above. The Petitioner Company holds the license to dispense cellular and 3G/4G services across Pakistan, which has been issued to it by Pakistan Telecommunication Authority (PTA).
- 2.1.2. In performing its licensed activities of providing cellular services to the market in general, the Petitioner Company consumes electric power which is provisioned through a number of DISCOs operating in Pakistan and for the same the Petitioner Company has to pay an exorbitant cost on account of being placed in category A-2 of NEPRA’s approved tariff categories which is for ‘*Commercial*’ entities.
- 2.1.3. The Petitioner Company is one of the key stakeholders in the telecom sector of Pakistan which enjoys the status of an ‘*industry*’ vide the Mobile Cellular Policy, 2004 (**Policy**), SRO No. 1(II)/2004-Inv III dated April 20, 2004 (**SRO**) and the recent amendment introduced to the Income Tax Ordinance vide Section 2 (29c) (**ITO**) vide the Finance Act, 2021. Despite being categorized time and again as an industry, the stakeholders of the telecom sector such as the Petitioner Company are subjected to higher tariffs in comparison to what they are entitled to i.e., Category B of NEPRA’s approved tariff categories, which is for ‘*industries*’.

2.2. FACTS & GROUNDS

- 2.2.1. The telecom sector as a whole was declared as an '*industry*' vide the Policy which was duly issued by the Federal Government. The intent of doing so was to provide incentives to existing market players and new entrants to invest in the telecom sector of Pakistan and to introduce innovation to the telecom sector in general.

(Copy of the Policy is appended as Annex A)

- 2.2.2. The declaration of the telecom sector as an '*industry*' galvanized the present market operators such as the Petitioner Company to invest in and to develop a modernized and state of the art telecom network across Pakistan which could match any developed country. This resulted in an exponential growth of the telecom sector as a whole and has had a positive impact on the economy in general. It is to be noted that the telecom sector in Pakistan is a significant source of revenue generation for the national exchequer. As per the Annual Report of PTA (2020-2021), the sector attracted US\$ 202 million in the shape of Foreign Direct Investment (FDI) and contributed PKR 226 billion to the national exchequer. With successful spectrum auctions and license renewals in Pakistan and Azad Jammu and Kashmir (AJ&K) and Gilgit-Baltistan (GB) during the period, an amount of US\$ 486 million (FY 2021-till date) has been generated for the Exchequer. Similarly, under the digital financial inclusion telecom sector has contributed to digitalization whereby the m-banking network has expanded to over 534,460 m-banking agents and 75 million m-wallet accounts. This network has enabled more than 2 billion annual transactions worth over PKR 8 trillion. According to the State Bank of Pakistan (SBP), the e-commerce market in 2020 is estimated to have expanded to PKR 235 billion, up by 56% from the previous year, in which telecom digital services play a pivotal role.

- 2.2.3. Out of the collective consumer base of telecom operators, the Petitioner Company holds 38% of the market share which translates into 75 million customers. To ensure premium service to the end consumer, it is imperative for the Petitioner Company to ensure that all its facilities and technical apparatus are fully powered at all times to provide uninterrupted services to its customers. In view of the aforesaid, provision of power/electricity, in this case, is of critical importance and over the years despite of being declared as an '*industry*', the Petitioner Company and other operators are being subjected to commercial tariff of category A-2, which is a major cost overhead.

- 2.2.4. Further to the Policy, the Federal Government vide SRO No. 1(II)/2004-Inv III dated April 20, 2004, re-affirmed the status of the telecom sector as an '*industry*', however, despite of the same no benefits which are generally extended to industries which fall under Category B were afforded to the telecom sector and in particular to the Petitioner Company and other market operators.

(Copy of the SRO is appended as Annex B)

- 2.2.5. In suit of the previous measures taken by the Federal Government vide the Policy and the SRO, the Legislature took it upon itself to affirm the status of the telecom sector as an '*industry*' and in view of the same amendment to Section 2 (29C) of the ITO was introduced vide sub-clause '*c*', which was introduced through the Finance Act, 2021. For ease of reference, the amendment is reproduced hereunder:

'(29C) 'Industrial undertaking' means ...

(c) telecommunication companies operating under the license of Pakistan Telecommunication Authority'

Despite of the amendment, the telecom sector is still being subjected to the exorbitant tariff rates fixed for commercial entities.

(Copy of the relevant part of the Finance Act 2021 is appended as Annex C)

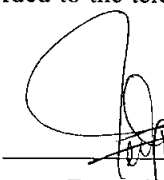
- 2.2.6. The present tariff rate as approved by NEPRA for category A-2, is being imposed on the Petitioner Company, who enjoys the status of being part of an 'industry' by virtue of the Policy, the SRO and the amendment to the ITO vide the Finance Act, 2021. In view of the same, the Petitioner Company is entitled to all benefits and rights that are provided to an industrial undertaking.
- 2.2.7. It is submitted that the Petitioner Company is the consumer of all the DISCOs currently operating in the territorial confined of Pakistan and is reimbursing them at exorbitant rates which are applicable in terms of category A-2 upon it. The table below shall illustrate the current state of the cost overheads being borne by the Petitioner Company as per the tariff rates of category A-2:

Sl. No.	DISCO	Units Consumed	Value of Consumption	Amount Paid in terms of category A-2
1	FESCO	1,244	63,531,078	1,549,902,288
2	GEPCO	897	39,563,894	989,341,107
3	HESCO	566	22,150,663	573,342,390
4	IESCO	1,047	47,503,084	1,186,215,588
5	LESCO	1,640	86,611,756	2,223,492,415
6	MEPCO	1,923	85,601,875	2,290,460,053
7	PESCO	881	30,273,564	782,888,000
8	QESCO	310	10,306,797	276,201,585
9	TESCO	81	324,095	8,790,988
10	SEPCO	579	47,192,355	1,180,107,045
11	K-Electric	1,301	45,380,209	1,190,121,977
Total		10,469	478,439,371	12,250,863,436

- 2.2.8. It is worth noting that the schedule of tariff approved by NEPRA vide tariff bearing reference no. NEPRA/TRF-108/IESCO-2008/238-40 dated September 26, 2008 did not take into account the status of industry afforded to the telecom sector. To date no concessions have been afforded to the telecom sector despite declarations on part of the executive and the legislature. The reasons for such denial of vested rights are beyond comprehension of the Petitioner Company and others alike who have now approached NEPRA seeking redressal of their grievance of being charged for electricity consumption at the exorbitant rates of category A-2.
- 2.2.9. In addition to the above and as stated above, the Petitioner Company is required to keep its services operative and functional on a *round-the-clock* basis. It is also expected from the Petitioner Company to ensure the highest standards of quality of service as per its license conditions and the regulations made time and time by the PTA. To ensure the same it has to keep its connectivity apparatus which includes BTS towers and other machinery powered up at all times. Currently there are 14,558 including BTS sites, B2S and OMO partnered, being operated by the Petitioner Company's in collaboration with its subsidiary i.e., Deodar (Private) Limited. These sites rely primarily on the power supplied by the DISCOs and the Petitioner Company is compelled to pay the electricity costs for the same at the higher rates of category A-2. These costs have an egregiously overbearing financial impact on the Petitioner Company.
- 2.2.10. With the 'industry' status given to the telecom companies under the Policy, the SRO and recently vide the amendment to Section 2(29C) vide the Finance Act, 2021, it has become indispensable for NEPRA to reflect the intent of Federal Government and the legislature in its tariff determinations and to treat the Petitioner Company, and other licensed operators, as part of the telecom industry. Therefore, in view of the foregoing, the Petitioner Company along with other licensed telecom operators deserve to be expressly declared and categorized as an Industrial undertaking by NEPRA as well.

3. PRAYER

- 3.1.1. In view of the aforesaid facts and grounds, the Petitioner Company respectfully prays that the NEPRA may:
- (i) graciously accept the request and submission of the Petitioner Company and recognize the telecom sector's status as that of an 'industry';
 - (ii) extend all such benefits to the Petitioner Company which are applicable in terms of tariff as provided under category B;
 - (iii) afford such requisite approval as may be required for revision of tariff from commercial to industrial rates in light of the status afforded to the telecom sector vide the Policy and the amendment to the ITO; and
 - (iv) provide any other relief as the Authority deems fit.


For and on behalf of

PAKISTAN MOBILE COMMUNICATIONS LIMITED



**EXTRACTS OF THE RESOLUTIONS OF THE BOARD OF DIRECTORS OF
PAKISTAN MOBILE COMMUNICATIONS LIMITED ("Company")
(Passed by way of circulation dated December 05, 2019)**

"Approval of General Power of Attorney in favour of Mr. Aamir Ibrahim, for day to day operations of the Company:

"RESOLVED THAT, with effect from December 05, 2019 the Board of Directors ("**Board**") of Pakistan Mobile Communications Limited (the, "**Company**") hereby delegate its powers and authorities to Mr. Aamir Ibrahim, S/o Ahmed Hafeez Ibrahim bearing CNIC Number 35201-1543431-3, being the President and Chief Executive Officer of the Company ("Authorized Representative" or "Attorney"), as detailed in the Power of Attorney ("PoA") document attached as *Annex-A*, to exercise, do, perform and act for and on behalf of the Company and any one Director of the Company is authorized to sign the PoA document;

FURTHER RESOLVED THAT, the Authorized Representative/Attorney is hereby authorized to further delegate all or any power or authority hereby conferred upon him to other officer(s) of the Company as he thinks fit;

FURTHER RESOLVED THAT, the Company to ensure that exercise of such delegated powers under the PoA, shall be subject to the requisite approvals by the Board and the Shareholders, as per the Article and Memorandum of the Company;

FURTHER RESOLVED THAT, the Board, authorizes the Company Secretary to (i) complete all necessary documentation/formalities, in relation to the aforesaid resolutions and (ii) issue a certified copy of the above resolutions as and when required."

CERTIFIED TRUE COPY

I hereby certify that the above resolutions were passed by the Board of Directors of the Company by way of circulation and the same has been entered in the Minutes book of the Company in accordance with the Articles of Association of the Company.

Syeda Maureen Zaidi
Company Secretary, Pakistan Mobile Communications Limited

Dated: December 09, 2019

CERTIFIED TRUE COPY

Company Secretary



Pakistan Mobile Communications Limited
T +92 51 2817 533, F +92 51 2817 356
Digital Headquarters, DHQ 1,
1-A Kohistan Road, F-8 Markaz,
Islamabad, Pakistan.

**DELEGATION OF AUTHORITY
OF
PAKISTAN MOBILE COMMUNICATIONS LIMITED
FOR
LITIGATION/TAX RELATED MATTERS
(Dated December 14, 2021)**

The President & Chief Executive Officer ("CEO") pursuant to the powers delegated by the Board of Directors of Pakistan Mobile Communications Limited (the "**Company**") having its registered office at DHQ-1, 1-A, F-8 Markaz, Kohistan Road, Islamabad, Pakistan, through a General Power of Attorney ("**PoA**") as approved vide Board resolutions dated **December 05, 2019**, do hereby sub-delegates its below powers to Mr. Zulquarnain Bhatti, bearing CNIC No. 35103-13521191-1, Head of Tax, Corporate & Regulatory Litigation of the Company (the "**Authorized Representative**"):

- To commence, initiate, prosecute and defend any litigation, arbitration or legal proceedings to enforce, answer or oppose all actions, suits and legal proceeding by or against the Company and demands whatsoever relating to the business or the property or interests of the Company and for all such purposes to appear for and represent the Company in any court, quasi judicial body, legal forum/authority or Tribunal whether Civil, Criminal, Licensing/Regulatory, Industrial, Revenue, Custom, Sales/FED Tax or Income Tax or before any Central or Provincial, Government, Semi-Government or other competent authority and if thought fit to compromise, compound, submit security, deposit any amount, withdraw any amount, refer to arbitration, withdraw or confess judgement in any such proceedings, etc.
- To appear, make statements, sign, institute, present, plead, defend and verify all pleadings/plaints, the suits, constitutional petitions/writ petitions, appeals/reviews/revisions, civil petition for leave to appeal, affidavits, undertakings, complaints, settlements, agreements, submit and present all documents related or incidental thereto, give any oral or documentary evidence, to file or receive written statements, file memoranda of appeal, petitions for review or revision, any documents or applications for review or revision, any documents or applications whatsoever in all suits, appeals, reviews, revisions, constitutional petitions/writ petitions, petition for leave to appeal, and proceedings in any Court, Regulatory body, Tribunal or other authority, whatsoever, in which the Company may be a party or may be concerned.
- To withdraw and receive from or join in receiving from any courts, Government Treasury or Government Department, Regulatory body or office or persons or institution any sums of money or securities for money, now or at any time lodged and deposited with or paid into such Courts or Government Department or office or persons or institution.
- To appoint and remove any advocate, attorney or other agent in any suit or proceeding for or against the Company or its property or interest and to sign and give necessary power, proxy, vakalatnama or other authority required in the premises.
- To appoint and remove as required from time to time any substitute or substitutes as Attorney or, Agent under him in respect of all or any of the matters which the said Attorney is empowered to do under this Deed.

[Signature]

[Signature]

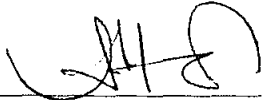
www.jazz.com.pk




Pakistan Mobile Communications Limited
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Digital Headquarters, DHQ 1,
1-A Kohistan Road, F-8 Markaz,
Islamabad, Pakistan.

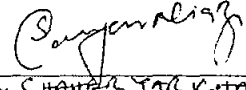
The Authorized Representative is hereby authorized to delegate all or any of the powers hereby conferred to other officer(s) of the Company as he thinks fit.

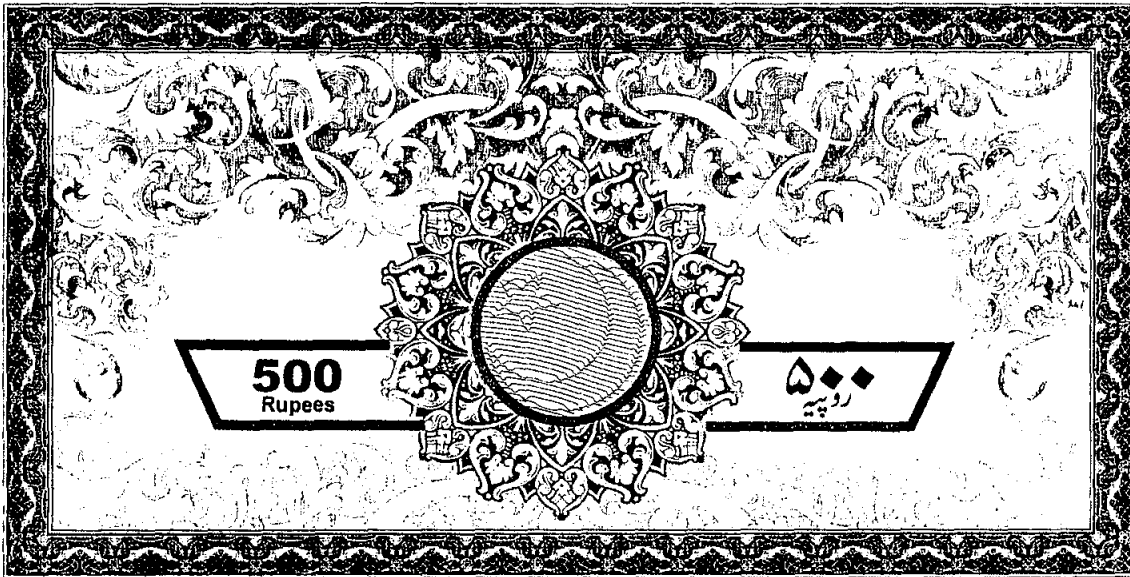
IN WITNESS WHEREOF the undersigned have executed this Delegation of Authority on the date mentioned above and this shall remain effective/valid unless cancelled/replaced by the undersigned.


Aamir Ibrahim
Chief Executive Officer
Pakistan Mobile Communications Limited

Witnesses:

1. 
Name: ASIF ALI
CNIC: 35202-9758190-5

2. 
Name: SHAUKAT YACUB KHAN
CNIC: 31303-2919336-5



GENERAL POWER OF ATTORNEY

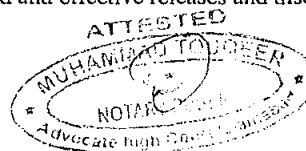
BY THIS GENERAL POWER OF ATTORNEY, PAKISTAN MOBILE COMMUNICATIONS LIMITED, a Company incorporated in Pakistan having its Registered Office at Digital Headquarters, 1-A, DHQ-1, F-8 Markaz, Kohistan Road, Islamabad, Pakistan (hereinafter called the Company), in pursuance of Board Resolution dated December 05, 2019 does hereby make, constitute and appoint Mr. Aamir Ibrahim, President & Chief Executive Officer of the Company, to be its lawful Attorney in its name and on its behalf to do, act and perform all or any of the following acts, deeds and things in connection with the business of the Company within Pakistan, Gilgit Baltistan and Azad Jammu & Kashmir as well as outside Pakistan namely:

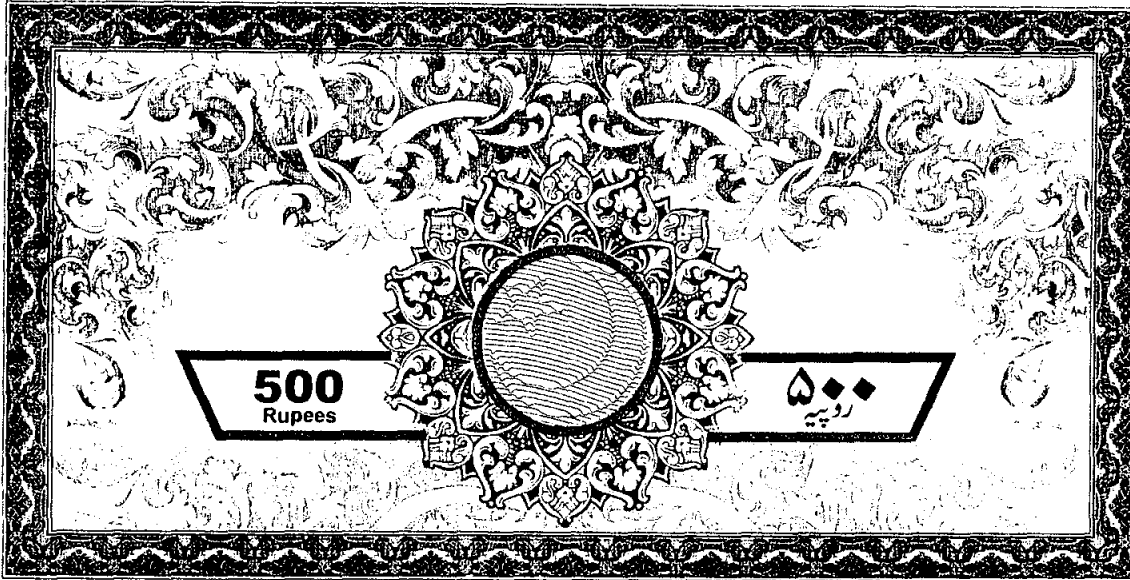
1. To make applications to, negotiate and otherwise deal with the Federal and/ or Provincial Government, local authority or any corporation or autonomous body set up or functioning under the control of Federal / Provincial Government as well as any individual person, firm, company or body corporate for the purpose of acquiring for the Company licences, permissions or consents required for the development or otherwise of the lands or buildings, and to manage, let, sub-let or lease any lands or building for the time being held by or belonging to the Company and to collect rents, or revoke, cancel or terminate the letting, sub-letting or lease of such lands or buildings and to do all things which the Attorney may consider reasonable or necessary for the purposes aforesaid.
2. To make and sign applications to appropriate government departments, local authorities or other competent authority for all and any licences, permissions and consents required by any order, statutory instrument, regulation, byelaw or otherwise in connection with the management and affairs of the Company.
3. To appear before all registrars and sub-registrars or other officers appointed to register deeds and assurance and to admit execution and to present for registration any deed or document to which the Company may be a part and which may be executed by the Attorney.
4. To apply for, purchase or otherwise acquire, any licences, patents, trade marks, copyrights, privileges, concessions and the like conferring any exclusive or non-exclusive right, in the name and for the benefit of the Company in the ordinary course of business.
5. To ask for, demand, and enforce payment of and receive and give effectual receipts and discharges for all sums of money, debts, goods, effects and things whatsoever of every kind that now are or at any time hereafter may become due, owing, payable, deliverable or belonging to the Company either solely or jointly with any other person or persons, but so that this provision shall not apply to the operation of any banking account.
6. To compound and accept a part or portion or the whole of any such debt, sums of money, effects and things whatsoever of every kind deliverable or belonging to the Company whether solely or jointly with any other person or persons, and for such purposes to give valid and effective releases and discharges.

CERTIFIED TRUE COPY

M. Aamir Ibrahim


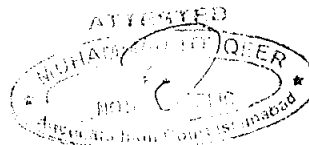
Company Secretary





7. To draw, make, accept, endorse, sign, accept, negotiate and give all cheques, bills of lading, drafts, orders, promissory notes, negotiable instruments and other documents which may be necessary for the business of the Company or for the management of its affairs.
8. pay allow all fees, commissions brokerage, cost, donations and expenses necessary to be paid or allowed within the budget limit;
9. acquire and / or purchase in the name of the Company such movable and immovable properties as may be required to carry out the business of the Company and to further sell, alienate and dispose off such properties which may not be required for the business of the Company;
10. to buy, sell hypothecate, pledge, mortgage, endorse, and transfer governments securities, municipal, port trust and improvement trust bonds, and shares of joint stock companies and all other securities and execute and sign letters of guarantee and/or indemnities;
11. to report and submit any report that may be required by the Board of Directors or the sponsor shareholders of the Company from time to time in relation to the business and operation of the Company;
12. To affect insurance on any goods or other property whatsoever belonging to the Company or in which the Company may have an interest and also to cover by insurance such other commercial or other risks as the Attorney may consider advisable.
13. To pay to the competent Authorities taxes, rates, charges, expenses and all other payments and outgoings whatsoever due and payable or to become due or payable for or on account of the Company's property or interests and to receive any amount that may be recoverable or refundable to the Company on such accounts.
14. To sign all documents and transactions enter into and carry into effect contracts agreements, undertaking, for the sale or purchase of goods, materials and merchandise or provision of services which may be required or may belong to or be held by the Company either in the ordinary course of its business or otherwise or to enter into negotiations and contracts, to rescind and vary such contracts and to execute and do all such acts, deeds and things as may be expedient for or in relation thereto.
15. to borrow monies from banks or financial institutions and for such purpose, to execute all documents as may be required to be executed on behalf of the Company, with or without security; to deposit and pledge securities or other valuables belonging to the Company, as security or guarantee for such loans, advances, discounts or other obligations so contracted and to withdraw the same, subject to the express limitation that neither the Attorney nor any substituted or delegated power of attorney granted pursuant hereto, shall contract to borrow monies in the name of the Company and on its account, which would be in violation of any applicable laws, rules and regulations and in particular the regulations, directives and circulars of the State Bank of Pakistan or otherwise cause the aggregate amounts of all such monies borrowed to exceed the limits prescribed by the Board of Directors of the Company from time to time;

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 Company Secretary


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Stamp: **RECEIVED**
Stamp: **Stamp**
Stamp: **Stamp**
Stamp: **Stamp**

09 DEC 2019

Registered No.....¹⁹⁴²⁵..... dated: December 9, 2019

For General Power of Attorney

From: Pakistan Mobile Communications Limited

In favor of

Mr. Aamir Ibrahim President & Chief Executive
Officer

500+500=1000/- Attached

Stamp Medico
Chamber 2, Kargu
#4, Markan, Islamabad

09 DEC 2019

16. to secure repayment of all moneys and receive funds against issuance of certificates of investment, money markets certificates, term participation certificates, acceptances, notes, government and corporate securities and similar other certificates on appropriate terms and conditions;
17. To take possession consignments or goods and effect of every kind belonging to or consigned to the Company and to act in connection with the business of the Company in usual course of business and to give all necessary orders, instructions and directions to suppliers, merchants, agents, brokers and other persons.
18. To commence, initiate, prosecute and defend any litigation, arbitration or legal proceedings to enforce, answer or oppose all actions, suits and legal proceeding by or against the Company and demands whatsoever relating to the business or the property or interests of the Company and for all such purposes to appear for and represent the Company in any court, quasi judicial body, legal forum/authority or Tribunal whether Civil, Criminal, Licensing/Regulatory, Industrial, Revenue, Custom, Sales/FED Tax or Income Tax or before any Central or Provincial, Government, Semi-Government or other competent authority and if thought fit to compromise, compound, submit security, deposit any amount, withdraw any amount, refer to arbitration, withdraw or confess judgement in any such proceedings, etc.
19. To appear, make statements, sign, institute, present, plead, defend and verify all pleadings/plaints, the suits, constitutional petitions/writ petitions, appeals/reviews/revisions, civil petition for leave to appeal, affidavits, undertakings, complaints, settlements, agreements, submit and present all documents related or incidental thereto, give any oral or documentary evidence, to file or receive written statements, file memoranda of appeal, petitions for review or revision, any documents or applications for review or revision, any documents or applications whatsoever in all suits, appeals, reviews, revisions, constitutional petitions/writ petitions, petition for leave to appeal, and proceedings in any Court, Regulatory body, Tribunal or other authority, whatsoever, in which the Company may be a party or may be concerned.
20. To withdraw and receive from or join in receiving from any courts, Government Treasury or Government Department, Regulatory body or office or persons or institution any sums of money or securities for money, now or at any time lodged and deposited with or paid into such Courts or Government Department or office or persons or institution.
21. To appoint and remove any advocate, attorney or other agent in any suit or proceeding [mentioned in this POA] for or against the Company or its property or interest and to sign and give necessary power, proxy, vakalatnama or other authority required in the premises.
22. To appoint and remove as required from time to time any substitute or substitutes as Attorney or, Agent under him in respect of all or any of the matters which the said Attorney is empowered to do under this Deed.
23. To prepare, file and sign applications for the export from or import into Pakistan all goods belonging to or purchased or sold by or consigned to or by the Company and to comply with the requirements of any law, statute or regulations relating to the export or import of goods and to pay to the proper authorities fees or other dues in connection with the presentation, filing or other dealings relating to such export or import and to receive all payments due to the Company in connection therewith and to give proper and sufficient discharge therefore.
24. To be the Company's Agent for all or any of the purposes of Customs or Excise Acts, Rules or Regulations and to sign all papers, returns, documents, bonds or declarations in connection therewith and to act generally as the Agent of the Company.
25. To make payments to any person, corporate body, company or firm for any goods or service rendered to the Company and for such other purposes of the Company as may be necessary for carrying on of the Company's business and to sign and deliver all receipts, charges and drafts on the bank and other accounts of the Company and to endorse all bills and bills of exchange received by the Company which may be necessary or may be expedient in the judgement of the Attorney to be signed, endorsed or given for the purpose of carrying on of the Company's business.
26. To transact, manage and carry on the business of the Company and do all matters and things requisite and necessary or in any manner connected with or having reference to the control and operation of the

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Company Secretary



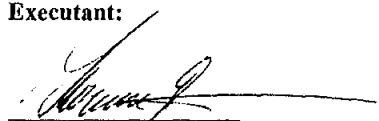
business and affairs of the Company, including but limited to (i) attend all the shareholder's meetings of subsidiaries/associated companies of the Company and vote on any decision as deem necessary, (ii) give proxy/ies to any other officer of the Company on Company's behalf; and (iii) appoint / remove nominee directors of Company's subsidiaries/associated companies and change their nominee shareholding.

27. To engage, employ, retain, dismiss, terminate or dispense on behalf of the Company with the services of personnel, agents, contractors, legal and technical advisers and other professionals.
28. To engage, employ or appoint workmen, clerks or other employees and to dismiss, discharge or terminate their services or any other employees of the Company in line with the Company's human resources policy as the Attorney may deem necessary and expedient for the benefit of the Company.
29. To execute, sign and acknowledge all such deeds, agreements, contracts, declarations, instructions or transfer or assignment and to do all such acts, deeds and things that shall be required or be necessary in relation to all or any of the matters mentioned in this Power of Attorney including all such acts and things as may be deemed expedient for recording registering or otherwise completing and giving validity thereto.
30. to sub-delegate to any person or persons all or any of the powers hereby conferred upon the said Attorney upon such terms and conditions as may seem expedient and at any time to revoke any such sub-delegation.
31. And generally to do all acts, deeds and things that may be necessary in relation to the matters aforesaid and also to execute and do all acts, deeds and things concerning the general business of the Company.

AND the said PAKISTAN MOBILE COMMUNICATIONS LIMITED HEREBY DECLARE that all acts, deeds and things lawfully done by the said Mr. Aamir Ibrahim, President & Chief Executive Officer of the Company as its Attorney under powers hereby given read in conjunction with his financial remit shall be constituted as acts, deeds and things done and performed by the company and the Company hereby undertakes to ratify and confirm all and whatsoever the said Attorney shall lawfully do or cause to be done by virtue of the powers given under this Deed.

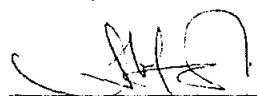
IN WITNESS WHEREOF the Company through its authorized signatory has on this 9th day of December Two Thousand and Nineteen executed this General Power of Attorney.

Executant:



Gabor Kocsis
Director
Pakistan Mobile Communications Limited

Attorney:

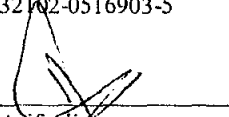


Aamir Ibrahim
President & CEO
Pakistan Mobile Communications Limited

Witnesses:

1. 

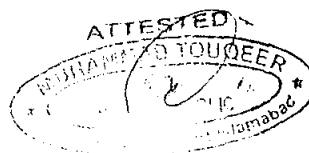
Name: Shafqat Khan
CNIC: 32102-0516903-5

2. 

Name: Asif Ali
CNIC: 35202-9758190-5

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Company Secretary



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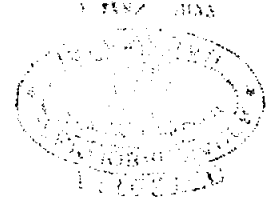


IN THE MATTER OF

AFFIDAVIT

ATTESTED
DARIQ IQBAL MAHER
Deputy High Court
Nary
Panic
ISLAMABAD

12 MAY 2022



[Illegible handwritten text]

12 MAY 2022

ALI ABBAS ALZAL
Korupsi
LW No. DUA/2021/2016
District Court, Jakarta

For Affidavit

PMCL

100/61970



Mobile Cellular Policy



January 28, 2004

IT and Telecommunication Division
Ministry of Information Technology
Government of Pakistan



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1 Introduction

This document presents the policy of the Ministry of Information Technology (MoIT) for the Mobile Industry. The Mobile Policy presented is consistent with the De-Regulation Policy for the Telecommunication Sector approved by the cabinet on January 10, 2004.

This Mobile Policy is set out in the following sections:

- Section 2 – Mobile Policy Objectives
- Section 3 – Mobile Sector of Pakistan
- Section 4 – Radio Spectrum
- Section 5 – Mobile Sector Roadmap
- Section 6 – License Conditions
- Section 7 – Obligations of PTCL
- Section 8 – Universal Service
- Section 9 – Investment incentives
- Section 10 – Regulatory Reform
- Section 11- Policy Review

2 Mobile Policy Objectives

In addition to the broad Telecom sector objectives, as outlined in the Telecom Deregulation policy, the following objectives specific to mobile cellular sector are expected to be achieved through this policy:

- i. Promotion of efficient use of radio spectrum;
- ii. Increased choice for customers of Cellular mobile services at competitive and affordable price;
- iii. Private investment in the cellular mobile sector;
- iv. Recognition of the rights and obligations of mobile cellular operators;
- v. Fair competition amongst mobile and fixed line operators;
- vi. An effective and well defined regulatory regime that is consistent with international best practices;

3 Mobile Cellular Sector of Pakistan

3.1 Mobile Licensees

Currently, four operators (2 GSM, 1 D-AMPS, 1 AMPS (migrating to GSM) are providing services to just under 3 million cellular subscribers all over the country. The



number of customers has more than tripled in the past two years. The table below provides an overview of the current subscriber base of the operators.

	Mobilink	Ufone	Paktel	Instaphone
Technology	GSM	GSM	AMPS, migrating to GSM	D-AMPS
No of Active mobiles Nov. 2003	1,675,000	552,000	255,000	478,261

Source: Figures stated by Operators as of Nov 2003

3.2 Market

The Pakistani economy throughout 2003 has continued to post strong results with inflation under control at approximately 3% per annum and GDP growth at 5%. All the macro economic indicators have shown very healthy trends in the last four years. Forecasts suggest that the economy will continue to develop at even higher rates for the next few years.

The cellular industry in Pakistan registered significant growth when the tariff mechanism changed from Mobile Party Pays to Calling Party Pays regime in year 2000. At approximately the same time Ufone, a subsidiary of the state owned PTCL, launched its commercial service.

Pakistan has experienced sizable population growth over the last few decades. Its current population of around 150 million is expected to grow to 190 million by 2018 according to UN forecasts.

The province of Punjab accounts for 26% of the land mass and accommodates 56% of the population creating a population density of 402 people per square kilometre. This compares to Balochistan which covers almost 50% of the country's geography but has a small population, around 5% of the total, where the population density is only 19 people per square kilometre.

Current coverage is a constraining factor in the growth of mobile penetration. Since the existing operators have essentially built their networks in the cities and towns, current policy aims to accelerate coverage for rural areas by putting coverage obligations and by creating a Universal Service Fund.

Assuming that future cellular coverage reaches 95% of all urban population and 30% of rural population and taking into account the relative geography and population density of each Province, there is a potential demand of approximately 25 million cellular subscriptions by 2018.

4 Radio Spectrum

Crucial to the development of the mobile cellular market is the availability of spectrum and its most optimal and efficient use for which a basic frame work was defined in the Telecom Deregulation policy as below:



4.1 Telecom De-Regulation Policy

With regards to radio spectrum, Telecom Deregulation Policy states at Section 4.4:

- 4.4.1 Radio spectrum is a valuable public resource belonging to the State and must be used in the public interest. The Frequency Allocation Board (FAB) is responsible for properly managing radio spectrum.
- 4.4.2 Wherever possible and consistent with good spectrum management practices, licensees shall be required to share spectrum with other licensees.
- 4.4.3 Licensees shall relinquish rights to spectrum that is no longer needed for their operations, and allow sharing of the bands they currently occupy where such sharing is technically feasible, and subject to management by FAB of frequency re-use in the band in accordance with best international practices. Unused spectrum allocated for operations of Local Loop (LL) & Long Distant International (LDI) licensees may be withdrawn if the licensees fail to begin operations within eighteen months of award of radio spectrum. The Licensees may not assign, lease or sell the rights of use of spectrum allocated to them in the first place.
- 4.4.4 All entities using spectrum shall be charged a fee for spectrum. The fee will be approved by the Government of Pakistan and recovered by Frequency Allocation Board from users of frequency spectrum. The factors to be considered in setting fees shall include but not limited to coverage, scarcity and value of the spectrum. The spectrum will be allocated for a definite time.
- 4.4.5 Where demand exceeds available frequency spectrum, it shall be allocated by auction or other transparent, non-discriminatory, open and competitive process.
- 4.4.6 Pakistan plans to follow ITU-R specified radio frequency bands¹ specific for the purpose of operations of Wireless in the Local Loop (WLL), point-to-point microwave and backbone / transmission services.
- 4.4.7 Information about available radio spectrum for telecommunication services would be placed in the public domain for the prospective users to apply for allocation on nation-wide or regional basis.
- 4.4.8 The FAB shall deal with the requests for radio spectrum, within the framework of Telecom Act 1996 and Rules thereunder, and process applications within a target of 30 days. FAB will streamline and proactively coordinate the process of site clearance for licensees who have been allocated frequency spectrum, to expedite rollout of wireless based networks.
- 4.4.9 LDI licensees will be entitled to radio spectrum (where available) for point-to-point / and backbone links, within the parameters of their licenses, on payment of spectrum charges.
- 4.4.10 LL licensees will be entitled to radio spectrum for WLL systems, and also spectrum for point-to-point links, where available, and on payment of spectrum charges.
- 4.4.11 LL and LDI licensees that receive spectrum shall meet defined usage milestones, failing which they must relinquish their rights to use the assigned spectrum.

4.2 Current assignment of Mobile cellular spectrum

Currently assigned mobile cellular spectrum and deployed technologies in Pakistan are shown in Appendix A, together with the international allocation of particular bands to different mobile cellular technologies.

4.3 Available spectrum for mobile cellular

Based on the foregoing assignments, the availability of spectrum in Pakistan in internationally designated mobile cellular bands is shown in the Table below:

¹ The ITU defines Wireless Access as "end user radio connection(s) to core networks". Bands used for FWA include 3.4 - 3.6 GHz, 3.6 - 3.8 GHz, 10.15 - 10.3 & 10.5 - 10.65 GHz. Bands between 24.5 and 29.5 GHz are also used. In addition there are the license exempt bands where Radio Local Area Networks (RLANs) have been implemented using 802.11 or HIPERLAN technology the former and its derivatives in the 2.5 and 5.8 GHz ISM bands and Hiperlan in the range 5 - 5.7 GHz. DECT 1880-1900 MHz and cdmaOne frequency bands e.g. 850 and 1900 MHz.



Band (MHz)	Uplink (MHz)	Downlink (MHz)	Total Available	Recognised Standards	Notes
800	835 - 845	(none)	(10 + 0) MHz	GSM 850 CDMA 800 AMPS/DAMPS 800	Corresponding band not available
900	890 - 895	935 - 940	5 + 5 MHz	GSM 900	Additional 5 MHz is likely to be available, exact details will be mentioned in IM document.
1800	1710 - 1740	1805 - 1835	30 + 30 MHz	GSM 1800	Potentially more. Under re-farming.
1900	1900 - 1910	1980 - 1990	10 + 10 MHz	GSM 1900 CDMA 1900 (IMT 2000)	Small encroachment on lower IMT 2000 guard band. Under re-farming.
2100	Currently fixed links (PTCL, SSGC)			IMT 2000	Under re-farming

Table A- Available mobile cellular bands and spectrum

In summary it can be concluded that:

- In the **800 MHz** band, Paktel AMPS uplink assignment will eventually be returned to FAB for re-use. However there is no available downlink due to its utilisation by Paktel for GSM uplink channels.
- In the **900 MHz** band there is only 2x5 MHz remaining from the total international band assignment of 2x35 MHz. (Additional 5 MHz is likely to be available in near future)
- In the **1800 MHz** band there is currently 2x30 MHz available, with the potential for more being freed in future under current re-farming initiatives by FAB.
- In the **1900 MHz** band there are currently 2 lots of 5 MHz available, one or two of these lots will be available for WLL services depending on the outcome of the auction for mobile cellular spectrum.
- The **2100 MHz** band is currently under re-farming. FAB is scheduled to complete this by the end of 2005.

4.4 Spectrum Pricing

The GoP wishes to encourage efficient use of the radio spectrum. As such the frequency usage charge will be set at such a price so as to encourage effective use.

For Mobile Cellular Licenses, where the assignment of spectrum is linked to a set of license conditions, the associated fees will consist of two parts:

Cellular Spectrum Price.

The Spectrum price for national mobile cellular licenses will be determined through auction.



The Spectrum Price resulting from the auction will also be used as benchmark to determine price per MHz per annum for the existing operators, once they come under the purview of this policy.

Spectrum Administrative fees

Administrative fees for radio spectrum will be set to recover the cost of administration of that spectrum. The total income generated from administrative fees for the whole spectrum should recover the reasonable operational costs of FAB incurred whilst managing, licensing and policing that spectrum.

Interim fees for the mobile licensees for first year of operation on the assumption of no change in allocated spectrum for existing operators are detailed in Appendix B. The fees may be adjusted in case the existing operators exchange some of their 900 MHz frequency with 1800 MHz band. Spectrum price for line of site links will be limited to the Administrative fees

The mobile licensees will pay the Pakistan Telecommunication Authority (PTA) – the regulator, in addition to the Spectrum Administration fee and the Spectrum Price, an annual license Administration fee (Regulatory fee), to reasonably cover the cost of regulation. The annual Regulatory fee shall not exceed 0.5% of last year's gross revenue minus inter-operator and related PTA / FAB mandated payments.

4.5 Management of fixed link spectrum

Assignment of spectrum to all fixed links will preferably be on a link-by-link basis.

The current practice of making nationwide fixed link assignments is inefficient and may result in the appearance of scarcity of spectrum when in reality this is not the case. FAB shall assign spectrum based on optimal utilisation of scarce resources.

4.6 Use of Spectrum

Unused spectrum allocated to any licensee may be withdrawn if the licensee fails to begin operations within eighteen months of award of radio spectrum. The Licensees may not assign, lease or sell the rights of use of spectrum allocated to them.

To support the promotion of efficient use of spectrum for national benefit it is important that spectrum which has not been used is returned to FAB for reallocation. Frequencies not used by Licensees will be returned to FAB if the Licensee does not make active or effective use of them. The use would be confirmed by monitoring. Licensees shall allow sharing of the bands they currently occupy where such sharing is technically feasible, and subject to management by FAB in accordance with best international practices.



5 Mobile Sector Roadmap

5.1 Number and Tenure of Mobile Cellular Licenses

The PTA will issue new national, technology neutral, Mobile Cellular Licenses for 15 years tenure. Existing mobile cellular licensees will not be permitted to bid for these licenses.

GoP has decided to grant new 15 year technology neutral National Mobile Cellular Licenses. Existing mobile cellular licensees will not be allowed to bid for these licenses. As further spectrum is cleared, frequency bands may be made available to licensed mobile cellular operators and WLL operators.

Pre-qualified bidders will receive the Information Memorandum (IM), which will include the License template and other relevant material. The currently licensed mobile operators and their substantial shareholders (10% or more) will not be eligible to bid for the new mobile cellular licenses. Applicants must also demonstrate that they have no substantial ownership/interest (10 percent or more) in more than one of the bidding companies or consortia.

5.2 Allocation of Mobile Cellular Spectrum

The mobile cellular spectrum will be auctioned in blocks. The size of these blocks will be sufficient to support the creation of commercially viable services.

The spectrum will be auctioned in blocks/packages keeping in mind the most effective use of the spectrum as a whole. At the same time the blocks of spectrum allocated will have sufficient bandwidth to enable economic use. PTA and FAB will define the Blocks in an Information Memorandum (IM) and will set the detailed method for the auction well in advance of the auction date.

The auction rules to be formulated by the PTA shall ensure that the auction process:

- Be fair and transparent;
- Provides a fair basis for competition among the pre-qualified bidders;
- Encourages the maximum number of potential investors;
- Establishes a fee which is economically justified when balanced with the investment required to meet the roll-out obligations specified with the license;
- Be simple to execute;
- Discourages collusion and predatory bidding that may block entry of potential bidders into the auction process.

The standards employed for licensed blocks of Spectrum shall conform to recognized international standards.

The standardization process has resulted in some technologies being associated with specific spectrum. To date GSM and CDMA are two such technologies. In such circumstances the cellular License should be linked to the associated recognised



standard. Where more than one standard could be adopted in any given block of spectrum the licensee shall have the right to choose which standard to employ.

The licensees will also be entitled to bid for additional spectrum in the 2100 MHz (3G) band when it becomes available.

In the context of 2100 MHz band, the GoP recognises its importance to enable mobile licensees to upgrade technology as spectrum becomes available. For this reason it is providing a degree of certainty in respect to the third generation mobile cellular technology.

While auctioning spectrum in 2100 MHz band, the reserve price per MHz per annum will be set by reference to the 2004 auction price

If there is additional spectrum which is not required by licensees and if any other applicant requests its use for non-cellular services, subject to confirmation of spectrum by FAB, PTA may announce an auction within a reasonable time of the formal request.

5.3 Payment Schedule

After an initial payment of 50% of bid price as down payment on acceptance of bid, the Spectrum Price will be paid by the licensee(s) in equal annual instalments over next ten years.

All licensees will make Spectrum Price payments on per MHz basis of the frequency allocated to them.

5.4 Renewal of existing licenses

The Mobile Cellular License under this policy will replace the existing licenses as soon as possible or at latest upon expiry of the current licenses.

The existing operators will be encouraged to come under the purview of Mobile Cellular policy even before the expiry of their existing License. This would mean that all Mobile Cellular Operators would have the same license terms. The licenses would vary only by their terms of coverage obligations, frequency assignments and level of performance bond. The coverage terms will be adjusted to take account of the existing deployed network. Total coverage required of each network will be equivalent after four years.

The advantage to existing mobile operators in changing would be to gain such benefits as:

- Certainty of 15 years renewal on expiry of their current tenure;
- Additional rights to self-build of regional backbone within each of the defined PTCL regions;
- Allocation of additional frequencies in the 1800 MHz band in exchange for a lesser amount of spectrum in the 900 MHz band;



- Rights in respect to bidding for additional 2100 MHz (3G) spectrum as and when available
- Access to Universal Access Fund (USF)

The fees for the renewed licenses will also be paid using the same payment profile and be based upon the same per MHz per annum price as determined in the auction

5.5 LDI and LL Licenses

Mobile Operators will be eligible for LDI and LL Licenses.

Commercial benefit could accrue to mobile operators also holding licenses to provide other types of services. Where an operator does hold a number of licenses the Licensee will have to meet the requirements of the PTA of accounting separation and for setting up separate legal entities for reasons of transparency and non-discrimination.

5.6 International Connectivity

International connectivity currently provides significant revenue to the telecommunications industry. The GoP recognises that high international rates may not be sustainable in the long run. However, as long as the premium continues to exist, a reasonable portion of the call termination premium is proposed to be used to promote infrastructure expansion. The portion of the premium applied to promoting infrastructure expansion is referred to as the "Access Promotion Contribution" ("APC").

If the Mobile Operator does not hold an LDI license then international connectivity will have to be obtained from an LDI operator.

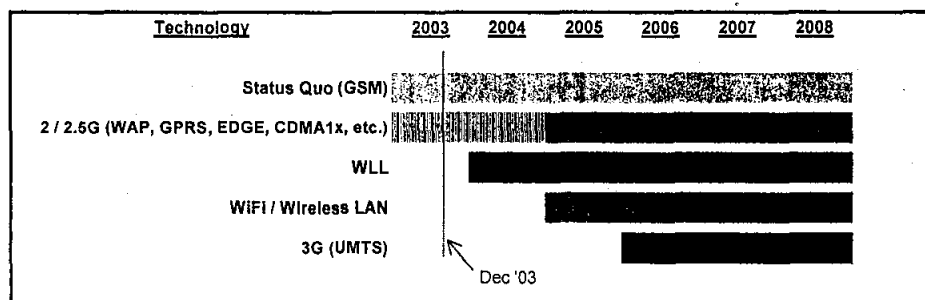
5.7 Technologies

The allocation of spectrum to mobile cellular licenses must take account of international standards and the need to encourage national harmonisation, the adoption of global standards and mass-market technology with associated social benefits.

Further, FAB is working to clear the spectrum in the 2100 MHz bands for IMT-2000 which is scheduled to be completed by the end of 2005.



The figure below indicates an anticipated time line for the introduction of new technologies in Pakistan.



5.8 3G Spectrum

The 3G spectrum will be sold by auction. Both the Licensed mobile cellular operators and the new parties interested in 3G licenses will be able to participate in the process.

IMT2000² (UMTS) is becoming the de facto migration path from GSM to 3G in many countries. Internationally agreed bands are assigned for 3G implementation based on W-CDMA / UMTS technology.

Since GSM is currently the main cellular technology in use in Pakistan, it is likely that the preferred technology for 3G will be UMTS.

The FAB is clearing the 3G spectrum and will complete this task by the end of 2005. Thereafter, spectrum in the 3G Bands of 2100 MHz will be made available for auction.

The 3G licenses will include a minimum urban coverage requirement and performance bond to ensure the spectrum is utilised in a manner beneficial to the country. The PTA will specify the License conditions.

Frequency in the 3G FDD/TDD bands will be divided into Lots of 5 MHz + 5 MHz with coverage specified in the License. Interested parties will be able to bid for more than one Lot. Failure to launch commercial service within a specified period of time will result in the unused frequency being recovered by FAB (through PTA). If there is 3G spectrum not taken up then as the demand rises further auction dates will be set.

² Covers FDD/TDD frequencies

⁵ Market will be considered sufficiently competitive when PTA determines that the cellular user has a real choice in terms quality of service, pricing and coverage.



5.9 Retail Prices

The retail price cap on mobile Licensees, fixed from time to time, by PTA will continue till such time the market, in the view of PTA, becomes sufficiently competitive.

5.10 Significant Market Power (SMP)

The PTA will regularly undertake a review to determine the relevant markets for the telecom industry and in turn the SMP operators for the relevant markets. PTA should complete the first review within six months from the policy notification.

The Government believes that the success of market liberalization depends on the development of a fair competitive environment for all licensees. In this regard, Mobile and fixed line licensees who emerge with Significant Market Power (SMP) shall be prohibited from abusing their dominant positions through anticompetitive conduct. PTA will incorporate provisions of anti-competitive practices in the licenses for SMP(s).

Operators with SMP will also have to produce a Reference Interconnection Offer (RIO) detailing the services and tariffs they provide to other Licensed operators.

Section 17 of the Pakistan Telecommunications Rules defines Significant Market Power (SMP).

(1) An operator shall be presumed to have significant market power when it has a share of more than twenty-five per cent of a particular telecommunication market. The relevant market for these purposes shall be based on sector revenues.

(2) The Authority may, notwithstanding sub-rule (1), determine that an operator with a market share of less than twenty-five per cent of the relevant market has significant market power. It may also determine that an operator with a market share of more than twenty-five per cent of the relevant market does not have significant market power. In each case, the Authority shall take into account the operator's ability to influence market conditions, its turnover relative to the size of the relevant market, its control of the means of access to customers, its access to financial resources and its experience in providing telecommunication services and products in the relevant market.

6 License Conditions

6.1 Self provision

The mobile licensees will have the right to provide their own infrastructure within a PTCL Region and to also provide their own interconnection circuits to other operators.

The GoP fully recognises that international best practice permits the Mobile operators to have the right to provide their own fixed links between all elements of their network. The key problems are timeliness of delivery and circuit availability for termination at suitable base station sites.



In the event that an LDI operator is unable to provide a circuit within 3 months from request or the Quality of Service (QoS) falls below international standards the mobile operators will have the right to self provide inter regional circuits.

Between Regions the GoP wishes to limit mobile operators to using leased circuits from an LDI operator to assist the development of the competitive LDI market. In the event that there are no LDI operators able to supply interregional leased circuits within 3 months from a formal order to meet the operational requirements of a Mobile Cellular Licensee then self provision will be permitted. It should be noted that the Mobile operators have the opportunity to apply for and hold an LDI license as well. In this case they will be able to self provide intra and inter regional circuits.

Licensees will have the right to contract for the "Right of Way" (RoW) they need to construct their networks, subject to conditions laid down by the concerned agencies.

6.2 Coverage and roll-out requirements

The Mobile Cellular Licenses will include a coverage obligation against which a licensee will be obliged to submit a Performance Bond with the PTA. The performance bond will be linked to the rolling annual capital investment requirements to meet the coverage obligations over a 4 year period.

A major objective of the GoP is to ensure, over a reasonable time, that there are services in the underserved and rural areas. The Mobile Cellular policy includes obligation to roll out coverage to at least 70% of Tehsil headquarters in four years with a minimum of 10% Tehsil coverage in all the provinces. Licensees would be required to deposit a performance bond to be redeemed against achievement of coverage targets. The value of the bond for the first year is set at USD 15 Million for new entrants and the value for existing operators will be set depending on the difference between their current level of coverage and the coverage targets in the license. Specific annual coverage targets will be included in the license.

6.3 Quality of Service

The Licensee will provide a set of reasonable QoS measures against which the performance of licensee will be measured on a regular basis.

The GoP intends to ensure that licensees provide a good quality of service. The following table is indicative of the QoS measures to be included as an Annex to the Mobile Cellular Licenses. The PTA will set the QoS parameters after consultation with the Licensees before final issue of the license.



Indicator	Short Term (first 3 years)	Long Term (3 years on)
Air Interface Blocking	<= 4% in busy hour	<= 2% in busy hour
Call Completion Rate	> 96%	> 98%
Call Connection Time	<= 7 seconds	<= 5 seconds
Call Quality	MOS ³ Score > 3	MOS Score > 3
Network Down-time (averaged across all sites) ⁴	< 2% in any 1 calendar month < 1% over a 1 rolling year period	< 1% over a 1 month period
Cell-site Down-time (for each site) ⁵	Not longer than 48 hours	Not longer than 24 hours

In addition to the above QoS measures a limited number of targets will be set for service covering such areas as:

- Customer service time to answer
- Time to resolve complaints
- Billing accuracy
- Provision of interconnect ports
- Repair of interconnect ports

The PTA will after due consultation prepare a set of criteria which will be attached to the License. The Mobile Cellular licensees will be required to provide regular reports to PTA on quality of service.

6.4 Infrastructure Sharing

All Licensees are encouraged to implement infrastructure sharing in accordance with the guidelines issued by PTA and FAB.

It is important to encourage Infrastructure sharing as a matter of policy and keeping in view environmental issues related with towers and masts. Infrastructure sharing includes a requirement to lease facilities on a non-discriminatory basis, to such other service providers. The facilities provided may include space, electrical power, air conditioning, security, cable ducts, space on antenna masts or towers, rooms etc. Infrastructure sharing, including co-location and facility sharing, shall be provided based on the guidelines established by PTA/FAB on the principles of neutrality, non-discrimination, equal access and commercial arrangements.

³ Bit Error Rate measurements can be used as a proxy

⁴ Outages caused by third parties (such as PTCL) are not included in this figure

⁵ Outages caused by third parties (such as PTCL) are not included in this figure



6.5 National Roaming

Licensees are encouraged to offer National Roaming with other licensees offering reciprocal services in accordance with the guidelines issued by PTA.

In order to implement the policy objectives of the GoP, Licensees are encouraged to offer nationwide service as expeditiously as possible at mutually acceptable terms. It is expected that national Roaming will remain a useful facility in order to promote competition in rural areas where it may well be the case that all operators will not have a presence.

6.6 International Roaming

All mobile operators are encouraged to negotiate International Roaming Agreements with foreign operators.

6.7 Interconnection

The new licensee(s) will have the right to interconnect its network with other licensed mobile and fixed networks in Pakistan.

It is important to enable customers to dial from one mobile network to customers on either another mobile network or customers on a fixed network at reasonable retail rates. To achieve this the mobile operators must be free to decide and make connection to, the most economic point of interconnection with other operators. Mobile operators will have the right to request leased lines from LDI operators.

Interconnection with PTCL will be covered by the Reference Interconnection Offer (RIO) being developed by PTCL under the interconnection guidelines.

Mobile Interconnection termination charges will not exceed the existing level until cost-based rates are available for both fixed and mobile operators. PTA will set rates before the end of 2004 based upon its view of termination costs by existing operators.

Interconnection charges will move to a cost plus normal return basis for all mobile operators on the basis that each operator has a monopoly on termination of calls to customers connected to its own network.

All operators should provide the PTA with evidence of cost for interconnection termination rates within 12 months of beginning their operation.

6.8 Mobile Number Portability

PTA will immediately undertake a consultation process on the implementation of Mobile Number Portability with the aim to implement number portability within two years of policy notification.

A major drawback to switching mobile operators is that, at present, customers need to change their mobile telephone numbers. In order to establish market conditions that



provide maximum choice, consumers should be able to switch operators in order to take advantage of attractive service offerings, lower prices or improved quality.

PTA will determine, in consultation with the industry, the most appropriate method of implementing number portability and establish rules for its implementation. To provide flexibility to consumers, all mobile licensees shall implement number portability, according to the PTA's requirements and guidelines. Although there may be a one-off charge for porting a number, there should be no additional on-going charges related to porting the number.

6.9 Customer Charter

All Licensees are encouraged to publish a Customer Charter, to be approved by the PTA.

The GoP wishes to see a significant improvement in the availability and quality of mobile services. The Customer Charter should provide commitments by the Licensee to Customers in respect of the standard and quality of the Licensed Service.

6.10 Standard Contract

The Mobile Cellular Licensee shall submit a Standard Customer Contract before the commencement of its services to the PTA for approval.

The Licensee shall prepare a standard contract of service for use with its customers. The Licensee shall file the standard contract, and amendments thereto from time to time, with the Authority for its approval.

The standard contract, as approved by the Authority, shall apply to all customers that obtain Mobile communications services from the Licensee.

6.11 Protection of customer from unsolicited fraudulent communications

Operators should put in place mechanisms to prevent abuse of the systems which result in customers receiving unsolicited or fraudulent communications.

The international growth in unsolicited and fraudulent use of the mobile networks enticing customers to make high priced calls ("Scamming") is a matter of concern. PTA after consultation with the industry will establish a code of practice for Mobile Operators to prevent such use. The code of practice will be produced before the end of 2004.

6.12 Mobile Virtual Network Operator (MVNO)

All Operators will be permitted to support MVNO services, a detailed framework for which is to be prepared by PTA within two years of the policy notification.

The concept of MVNO supports and encourages an open and competitive market in telecommunications. All Operators will be permitted to support MVNO services, a detailed framework for which is to be prepared by PTA within two years of the notification of the policy.



6.13 Legal Intercept

Licensees shall meet the requirements of authorized security agencies for legal interception of calls and messages. Further, the Government of Pakistan would have the right to either suspend the service or cancel any license to safeguard national security.

6.14 PTA License Fee

Licensees will pay to PTA a fixed annual fee, to reasonably cover the cost of regulation. The annual fee shall not exceed 0.5% of the previous year's gross revenue minus inter-operator and related PTA / FAB mandated payments.

6.15 R&D Fund

Mobile Licensees will contribute 0.5% of gross revenue minus inter-operator and related PTA / FAB mandated payments to the Research and Development Fund.

Detailed guidelines for the R&D Fund's utilization for IT & Telecom sector development and HRD etc will be proposed separately.

7 Obligations on PTCL

In order to facilitate market liberalization, PTCL, is obliged to:

- a) *Prepare all transit and tandem switches for interconnection and implement within six months of policy notification, all needed upgrades in the transit switches to the capacity orders submitted by new entrants. PTCL shall not be required to implement upgrades in respect of orders not accompanied by pre-payment of 3 months port cost. PTCL shall pay needed penalties in case of delay in providing ordered Poles, to be determined by PTA.*
- b) *Prepare 50% (measured by lines in service) of local Main Switching Units ("MSU") for interconnection within one year. The remainder to be done in two equal stages within the subsequent two years.*
- c) *Unbundling of service and cost accounting information should be done based on the principles of transparency, orientation, and allocation based on activities and related cost drivers. They shall be sufficiently detailed to allow the clear identification of (a) activities related to interconnection - covering both interconnection services provided internally and interconnection services provided to others; and (b) other activities, so as to identify all elements of costs and revenues. Details of the basis of their calculations and the allocation methods used shall be provided, including an itemized breakdown of fixed assets and structural costs. Sufficient records must be kept to allow independent audit of these cost accounts.*
- d) *PTCL will issue a "Reference Interconnection Offer" (RIO) to be used as the default interconnection offer for interconnection with PTCL pending*



determination of LRIC based pricing. PTCL can implement amendments to the interim RIO, subject to the prior approval of PTA.

8 Universal Service & Access Promotion Contribution

Mobile licensee shall pay a USF Charge limited to 1.5% of gross revenue minus inter-operator and related PTA / FAB mandated payments as determined by the Government.

The importance of funding telecommunication infrastructure in the rural areas cannot be underestimated for the long-term economic benefit and to avoid a 'digital divide' between rural and urban areas. The establishment of the USF and the allocation of funds to operators is an important factor in accelerating the availability of telecommunication services in rural areas. Mobile operators can play an important role in providing coverage to rural areas in particular where there is no fixed line service. The USF will be financed by revenues collected from all telecommunication licensees through a universal service fund charge (the "USF Charge"). The USF may also receive contributions from the Government, and also funding from international or bilateral development agencies.

Mobile operators shall be eligible to apply for money from the USF in order to cover rural and under-served areas as per guidelines for utilisation of USF to be notified separately.

The Government has designed the market liberalization policy to maximize the commercial availability and coverage of telecommunication network and services in Pakistan. The Government recognizes, however, that even with market liberalization, and under strictly commercial considerations, there may exist certain populations or geographic areas that would remain un-served or relatively underserved. The Government's universal service policy is designed to ensure that these designated populations and geographic areas receive adequate service in a sustainable manner as resources permit.

Fees collected by PTA and FAB from telecommunications licensees, which are in excess of administrative costs, shall be deposited into the Universal Service Fund.

The USF policy framework will be prepared and approved by the Federal Government. It shall include collection of the funds from the licensees and its disbursement within approved USF framework. The amounts and usage of the USF will be made public, and shall be subject to independent audit. Disbursement of USF funds shall be made through a transparent, non-discriminatory and competitive process.

The APC shall not be available to cellular operators. Premium of APC on current cellular termination rates would be mopped up and diverted to Universal Service Fund (USF).

Premium of APC on current cellular termination rates would be mopped up and diverted to USF with effect from a future date to be notified by the Government.



9 Incentives for Investors

The Telecom sector, including mobile cellular operations, will be classified as an Industry.

The Mobile operators have to date been classed as a Service and not as an Industry. Reclassification of mobile operators to the Industrial Sector will reduce operational costs.

10 Legal and Regulatory Framework

Appropriate changes in the legal and regulatory framework will be made expeditiously to support the Mobile Cellular Sector Policy. Changes may result in amendments in Telecom Reorganisation Act of 1996 and corresponding rules and regulations. Such changes shall be effected expeditiously after the notification of the policy.

11 Review of Policy

This policy will not be reviewed before five years of notification date.



Appendix A – Currently assigned mobile cellular spectrum

Operator	Technology	Up-Link	Down link	Comments
Instaphone	D-AMPS	825-835 MHz	870-880 MHz	2 x 10MHz
Paktel	AMPS	835-845 MHz	880-890 MHz	2 x 10MHz
Paktel (migration)	GSM 900	880-890 MHz	925-935 MHz	2 x 10MHz: (under implementation)
Mobilink	GSM 900	905-915 MHz	950-960 MHz	2 x 10MHz
Ufone	GSM 900	895-905 MHz	940-950MHz	2 x 10MHz

Table 1 Current mobile cellular spectrum assignments

Each operator is currently assigned 2x10MHz, with Paktel in the process of migrating its network from AMPS technology to GSM⁶. This migration is utilising the AMPS downlink assignment for the GSM uplink, with a new assignment having been made for the GSM downlink. On completion of migration, Paktel's AMPS uplink assignment will be released to FAB.

Three operators in Pakistan, Mobilink, Ufone and Paktel (currently migrating customers to GSM from its AMPS service), have implemented GSM technology. Standardised under the auspices of ETSI⁷, GSM is used by over 1.2 billion subscribers on every continent of the world, with 550 operators supplying GSM services in 193 territories.

The international allocation of particular bands to different mobile cellular technologies Table 2 above and also in the 800, 900 and 1800 MHz band plans in Figure 1, Figure 2, and Figure 3 below. The band plans are illustrated in relation to current assignments in Pakistan.

⁶ Global System for Mobile communication

⁷ European Telecommunications Standards Institute

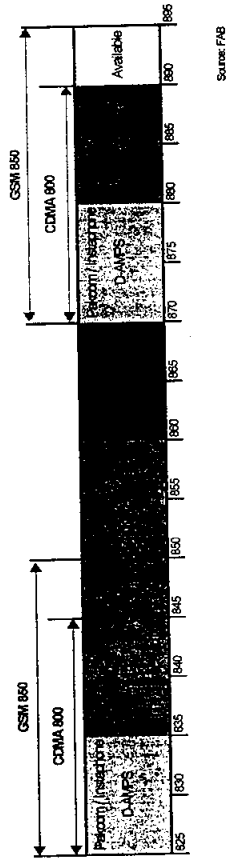


Figure 1: 800 MHz band plan

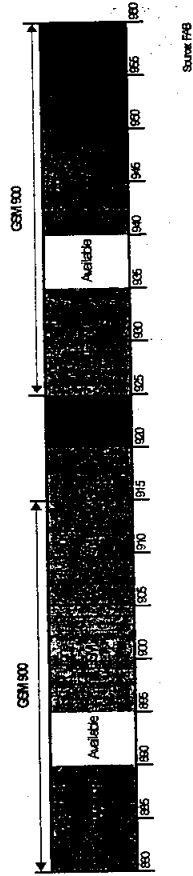


Figure 2: 900 MHz band plan

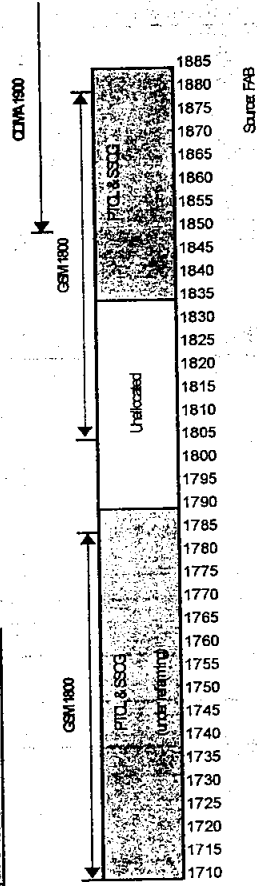


Figure 3: 1800 MHz band plan



Appendix B

Spectrum Administrative Fees

Table of Spectrum Administrative Fees for Mobile operators assuming two new National Mobile Licenses.

Operator	Scenario A			Scenario B		
	Spectrum	% of total	Annual fee (Rs)	Spectrum	% of total	Annual fee (Rs)
Mobilink	2 x 10 MHz	15.4%	34.65m	2 x 10 MHz	17.4%	39.15m
Paktel	2 x 10 MHz	15.4%	34.65m	2 x 10 MHz	17.4%	39.15m
Ufone	2 x 10 MHz	15.4%	34.65m	2 x 10 MHz	17.4%	39.15m
Instaphone	2 x 10 MHz	15.4%	34.65m	2 x 10 MHz	17.4%	39.15m
New A	2 x 12.5 MHz	19.2%	43.2m	2 x 12.5 MHz	21.7%	48.83m
New B	2 x 12.5 MHz	19.2%	43.2m	2 x 5 MHz	8.7%	19.57m
Total	2 x 65 MHz	100%	225m	2 x 57.5 MHz	100%	225m

Assumptions made in setting the interim Administrative Fees

- For the financial year 2003, the budget for FAB was Rs300 million. This included the funds assigned for the maintenance of the new spectrum monitoring equipment recently acquired by FAB through World Bank funding (the World Bank loan itself is being repaid by the PTA).
- FAB has estimated that around 75% of the resources of FAB are employed in managing the spectrum allocated to the mobile operators.
- As all the mobile licences are national in scope, the issue of determining a geographic component for the spectrum administrative fee does not come into play, as all licences have the same geographic coverage.
- How much mobile spectrum is deployed, depends upon which of the proposed Lots is successfully won. Scenario A is that Lots 1&2 are chosen; scenario B is that Lot 1 or 2, together with Lot 3 are chosen. The total spectrum deployed, the proportion of that total used by each operator, and the equivalent annual fee is shown in the table for each of the two scenarios.
- Fees include all direct line of site links.

FROM : BPO/BS/1480 PTL/HPD

FAS NO. : 0002 SJ 225026-1

DATE: 25 0006 01/01/04 P2

-b-

TO BE PUBLISHED IN THE GAZETTE OF PAKISTAN PART III

GOVERNMENT OF PAKISTAN
MINISTRY OF INDUSTRIES & PRODUCTION

Islamabad, dated the 20th April 2004.

NOTIFICATION

NO.1(11)/2004 InvIII. In pursuance of the Cabinet's decision in Case No. 29/02/2004 dated 28-01-2004, the Federal Government of Pakistan is pleased to classify the Telecom sector, including cellular operations as "Industry," with immediate effect.

(MUHAMMAD HAFIZ)
DEPUTY SECRETARY

The Manager,
Printing Corporation of Pakistan Press,
KARACHI.

Copy for information for:-

- (1) President's Secretariat, Islamabad.
- (2) Prime Minister's Secretariat, Islamabad.
- (3) Cabinet Division, Islamabad.
- (4) Ministry of Information and Technology, Islamabad.
- (5) Ministry of Petroleum and Natural Resources, Islamabad.
- (6) Ministry of Water and Power, Islamabad.
- (7) Ministry of Finance Islamabad.
- (8) Ministry of Commerce Islamabad.
- (9) State Bank of Pakistan, Karachi.
- (10) Federation of Pakistan Chamber of Commerce & Industry, Islamabad.
- (11) All Banks/BFIs.
- (12) All Provincial Chamber of Commerce and Industry.

(MUHAMMAD HAFIZ)
DEPUTY SECRETARY

REGISTERED No. M - 302
L.-7646



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, JUNE 30, 2021

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 30th June, 2021

No. F. 22(36)/2021-Legis—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 30th June, 2021 is hereby published for general information:—

ACT NO. VIII OF 2021

AN

ACT

to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 2021, and to amend certain laws

WHEREAS it is expedient to make provisions to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 2021, and to amend certain laws for the purposes hereinafter appearing;

(209)

Price: Rs. 340.00

[914(2021)/Ex. Gaz.].

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act shall be called the Finance Act, 2021.

(2) It shall, unless specified otherwise, come into force on the first day of July, 2021.

2. **Amendments of Stamp Act, 1899 (II of 1899).**—In the Stamp Act, 1899 (II of 1899), the following further amendments shall be made, namely:—

(1) in section 2,—

(a) for clause (11), the following shall be substituted:—

“(11) “duly stamped” means affixation of an adhesive or impressed stamp or e-stamp of not less than the requisite amount and that the stamp has been legally affixed, used or electronically generated.”;

(b) after clause (11), amended as aforesaid, the following clause (11A) shall be inserted, namely;

“(11A) “e-stamp” means a paper printed or partially printed containing a bar code or having any of its unique identification code and such other information, as may be specified by the rules, to be generated and printed, on deposit of money equivalent to chargeable stamp duty in the account of the Government”;

(c) for clause (13), the following shall be substituted, namely:—

“(13) “impressed stamp” includes—

(a) the label affixed and impressed by the proper officer;

(b) the stamp embossed or engraved on a stamp paper; and

(c) e-stamp”; and

(d) in clause (14), after the word “recorded”, the words “and includes any instrument executed in electronic form” shall be inserted.

The officers Inland Revenue having jurisdiction shall have full access to such meter;

- (iv) the minimum production of industrial units employing both distributed power and self-generated power shall be determined on the basis of total electricity consumption.

6. Islamabad Capital Territory (Tax on Services) Ordinance, 2001.—(1) in section 3, after sub-section (1), the following new sub-section (1A) shall be inserted, namely:—

“(1A) Notwithstanding the provision of sub-section (1), the export of services shall be charged at the rate of zero per cent.”

7. Amendments of Income Tax Ordinance, 2001 (XLIX of 2001).—In the Income Tax Ordinance, 2001 (XLIX of 2001), the following further amendments shall be made, namely:—

(1) in section 2,—

(a) in clause (1B), for the expression “Companies Ordinance, 1984 (XLVII of 1984)”, the expression “Companies Act, 2017 (XIX of 2017)” shall be substituted;

(b) after clause (10), the following new clause shall be inserted, namely:—

“(10A) “business bank account” means a bank account utilized by the taxpayer for business transaction declared to the Commissioner through original or modified registration form prescribed under section 181;”;

(c) clause (13AA) shall be re-numbered as clause (13AB) and after clause (13A), the following new clause shall be inserted, namely:—

“(13AA) concealment of income includes—

- (a) the suppression of any item of receipt liable to tax in whole or in part, or failure to disclose income chargeable to tax;
- (b) claiming any deduction or any expenditure not actually incurred;

- (c) any act referred to in sub-section (1) of section 111; and
- (d) claiming of any income or receipt as exempt which is otherwise taxable.

Explanation.—For removal of doubt it is clarified that none of the aforementioned acts would constitute concealment of income unless it is proved that taxpayer has knowingly and willfully committed these acts;”;

- (d) in clause (19), in sub-clause (e), for the expression “Companies Ordinance, 1984 (XLVII of 1984)”, the expression “Companies Act, 2017 (XIX of 2017)” shall be substituted;
- (e) in clause (24), for the expression “Companies Ordinance, 1984 (XLVII of 1984)”, the expression “Companies Act, 2017 (XIX of 2017)” shall be substituted;
- (f) in clause (29), the expression “233A,” shall be omitted;
- (g) in clause (29C),—
 - (a) in sub-clause (ab), after semi colon at the end, the word “and” shall be added;
 - (b) sub-clause (b) shall be omitted; and
 - (c) after sub-clause (b), omitted as aforesaid, the following new sub-clause shall be added, namely:—
 - “(c) telecommunication companies operating under the license of Pakistan Telecommunication Authority (PTA).”;
- (h) after clause (30AC), the following new clauses shall be inserted, namely:—
 - “(30AD) Information Technology (IT) services include software development, software maintenance, system integration, web design, web development, web hosting and network design; and



For Mr. Z. A. P.

- Adair D. T

Copy L

- ADG, CT

- M. P

✓ 17/5/22

Chairman
- V. C. M. (N.E. / CA)
- M. (L. / T)

Pakistan Mobile Communications Limited
T +92 51 2817 533, F +92 51 2817 551
Digital Headquarters, DHQ 1,
1-A Kohistan Road, F-8 Markaz,
Islamabad, Pakistan.

Without prejudice
16 May, 2022

To,

Registrar,
National Electric Power Regulatory Authority (NEPRA)
NEPRA Tower, Opposite to Federal Flood Commission
East, Ataturk Ave, G-5/1, Islamabad
Pakistan

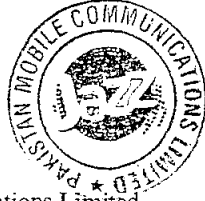
REGISTRAR
1/5/89
17.05.22

SUBJECT: FEE SUBMISSION FOR TARIFF PETITION BY PAKISTAN MOBILE COMMUNICATIONS LIMITED DATED 12 MAY, 2022

Dear Sir,

Please note that Pakistan Mobile Communications Limited (the "Company") has filed a tariff petition before the National Electric Power Regulatory Authority ("NEPRA") on May 12, 2022. In compliance with Row No. 3.2, NEPRA (Fees pertaining to Tariff Standards and Procedure) Regulations, 2002, S.R.O. 603(1)/2010 dated 29 June, 2010, Part 1, Fees in Relation of the Provisions of the NEPRA (Tariff Standards and Procedure) Rules, 1998 (d)(i) Industrial, Commercial and Bulk Consumers, kindly find enclosed herein, a cheque issued by Muslim Commercial Bank, bearing the B.C. No. 6010920, Ref. No. 108388924 for an amount equivalent to Rs. 93,472/- (Pak Rupees Ninety-Three Thousand, Four Hundred and Seventy-Two only) dated May 16, 2022, in favour of NEPRA.

with cheque of Rs. 93,472/-



For and on behalf of Pakistan Mobile Communications Limited

Enclosed:

1. Bank draft; &
2. Copy of the receiving issued by R&I dated May 12, 2022 in relation to the petition

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Account: payee Only



ISLAMABAD F-8 MARKAZ (1445)



MCB Bank Limited

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Rupees: NINETY-THREE THOUSAND FOUR HUNDRED SEVENTY-TWO Only

Date: 10-May-2022

Applicant Name: MUSHARAF ALI

PKR ***93,472.00

Signatory
PA/Attorney No

Signatory
PA/Attorney No

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