

CCI rejects BSNL complaint against Airtel, Vodafone, Idea

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NEW DELHI: The Competition Commission has rejected state-owned telecom operator BSNL's allegations that [Bharti Airtel](#), Vodafone and [Idea Cellular](#) acted as a cartel during the 3G spectrum auction in 2010.

The fair trade watchdog rejected the complaint saying that it did not find any prima-facie evidence of cartelisation among the three private telecom players.

[BSNL](#) had alleged that these companies had bid selectively for the 3G spectrum in 2010 and "entered into illegal roaming arrangements amongst themselves to secure roaming rights over areas for which they had not bid".

[Competition Commission of India](#) (CCI), in an order dated January 16 but made public today, said there did not exist a prima facie case for investigating the matter.

As per BSNL complaint, the three companies during that auction "co-ordinated in such a way that rather than competing amongst themselves, they had ensured that at least one of operators had a presence in every circle in India".

[CCI](#) noted that [Airtel](#), Vodafone and Idea got 3G spectrum in 13, 11 and 9 service areas respectively out of total 22 circles.

"Had the opposite parties (Airtel, Idea, Vodafone) formed a cartel, the total number of licences obtained would have been 22 and not 33," CCI said, adding that no other information has been furnished to show that the companies had formed a cartel.

According to CCI, it was "natural" that most of the operators had wanted to bid for the high revenue circles like the metropolitan cities.

"...an adverse inference cannot be drawn against bidder(s) for not bidding for all circles," it noted.

The fair trade watchdog said that agreements between the companies, relating to inter and intra-circle arrangements, are to be considered in the light of terms and conditions of licence granted to them.

"In case of a violation of terms and conditions of license, the remedy lies elsewhere," CCI said.

"The facts reveal that parties had already moved TDSAT, High Court and [Supreme Court](#) on the issues related to violation of terms of licence etc," it added.

On February 25, 2010, DoT had invited applications from eligible operators to bid for 3G spectrum services in 22 circles across India.

CCI refers cases to its investigation arm Director General for a detailed probe only when there is prima facie violations of competition norms.



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