

SC in BHARTI CELLULAR LTD. regarding TDS on Payment for Interconnect & Port Charges : On revenue's SLP from DHC order reported at 175 Taxman 573 wherein it was held that "The Assessee's were Companies providing mobile phone facility to their customers i.e. subscriber's under licences granted by DOT. They had set up their own networks. Where subscribers had to make call from one network to another network these were routed through MTNL, providing interconnection at points, described as "ports". For this facility the assessee's paid to MTNL or BSNL interconnection or port access charges. The facility of interconnection was provided by equipment without any human interface. The payments were not fees for technical services. S.194J was not applicable" has admitted the SLP and issued notice in the matter (kept for final hearing on 28/10/2009)