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Telecommunications (Terms and Conditions for Migration) Rules, 2026

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The regulatory framework governing the Indian telecommunications sector is undergoing a structural transition. On 23 June 2026, the Department of Telecommunications (DoT), Ministry of Communications, notified the Telecommunications (Terms and Conditions for Migration) Rules, 2026 (Migration Rules). The Migration Rules create the legal pathway for licensees, registration holders and permission holders under the previous telecom regime to migrate to the new authorisation framework.

The Migration Rules have been notified alongside four related sets of Authorisation Rules and follow public consultation on the draft Telecommunications (Migration) Rules, 2025 (Draft Rules), published on 19 September 2025. They do considerably more than revise the Draft Rules. They move from a schedule-driven migration model to a principle-based framework that is integrated with the Authorisation Rules.

Key Takeaways:

- **A Principle-Based Framework**: Migration eligibility now depends on a compatibility test i.e. whether the '*scope and service area or network area'* of the relevant target authorisation fully encompasses that of the license being migrated. This is subject to the applicant continuing to satisfy the eligibility conditions under the relevant Authorisation Rules. Network Service Operator (NSO) and Virtual Network Operator (VNO) licensees migrate to the corresponding NSO and VNO terms, while Public Mobile Radio Trunking Service (PMRTS) licensees migrate under the Miscellaneous Telecommunication Services authorisation framework. This replaces the Draft Rules' Schedule A mapping and requires applicants and the DoT to apply this compatibility test to each license portfolio.

- **Timeline for Applying**: For licenses with a definite validity period, the migration application must be filed at least 12 months before expiry. The Migration Rules also provide transitional relief where fewer than 12 months remained on the notification date. Such applicants must apply within 90 days of notification or before expiry, whichever is earlier. For licenses without a definite validity period, the application must be filed at least 12 months before expiry of the five-year period from the appointed day. The Central Government may condone delays for sufficient cause on payment of late fees, but applications relating to fixed-validity licenses cannot be considered once the relevant license has expired.

- **Letter of Intent Replaces the Demand Letter**: The Draft Rules envisaged a demand-letter mechanism focused on the entry-fee shortfall. The Migration Rules replace this with a Letter of Intent (LOI) process. The LOI may require the applicant to migrate all licenses whose '*scope and service area or network area*' are fully covered by the target authorisation, furnish an '*unconditional and irrevocable*' undertaking in respect of pending dues, pay any entry-fee shortfall, furnish any bank-guarantee shortfall, and undertake to relinquish any overlapping authorisation. Acceptance of, and compliance with, the LOI is a prerequisite for migration approval.

- **Differential Entry Fee and Guarantee**: Where the entry fee or bank guarantee prescribed under the applicable Authorisation Rules exceeds the aggregate entry fees paid or bank guarantees previously furnished for the licenses being migrated, the applicant must pay or furnish the shortfall. Conversely, there is no refund of entry fees or reduction in bank guarantees where the amounts already paid or furnished exceed the new requirement.

- ***'Overlapping Authorisation'***: The Migration Rules introduce the concept of an '*overlapping authorisation*', i.e., an authorisation already held by an applicant whose scope and service area or network area would be fully covered by the authorisation to which migration is sought. The applicant must undertake to relinquish such authorisation from the effective date of migration.

- **Pending Dues, Liabilities and Resources**: The Migration Rules require an unconditional and irrevocable undertaking to pay any amounts that may subsequently be determined to be pending dues for the period before migration approval. Migration or relinquishment does not extinguish existing rights or liabilities, including rollout obligations, financial dues, violation determinations and penalties. Resources and permissions granted for migrated licenses or relinquished '*overlapping authorisations*', including telecom identifiers, spectrum, compliance certificates, clearances, foreign-national deployment permissions, remote-access permissions and gateway permissions, continue on their existing terms unless the Central Government determines otherwise in public interest.

- **Net Worth Waiver**: The final Migration Rules do not expressly retain the Draft Rules' net-worth waiver. For principal authorisations, the Telecommunications (Authorisation for Provision of Principal Telecommunication Services) Rules, 2026 disapply ongoing compliance with the minimum net-worth condition after an entity has obtained the authorisation. However, because the Migration Rules separately require continued compliance with the eligibility conditions under the relevant Authorisation Rules at the migration stage, the treatment of the net-worth requirement at the application stage should be assessed cautiously.

- **Service Continuity Protection**: The Draft Rules provided a 60-day timeline for deciding migration applications and required written reasons to be provided where an application was rejected. These protections have not been retained. However, where migration approval is granted after the scheduled expiry date of a license, the license continues to be valid until the approval or rejection of the application, and the effective date of migration is the day immediately following the scheduled expiry date. In the case of migration of a mobile number portability (MNP) service license, the migrated authorisation remains valid only for the balance of the original MNP service license.

Comment:

One of the most significant departures from the Draft Rules is the removal of the 60-day timeline for disposal of migration applications and the requirement to provide written reasons for rejection, reducing procedural certainty for applicants. For telecom operators, migration is more than an administrative exercise; it will determine the service scope, operating conditions, financial obligations and compliance architecture applicable to their business under the new regime.

Operators should therefore audit their existing license portfolios against the scope, service area and network area prescribed under the relevant Authorisation Rules, identify licenses that may need to migrate together, determine whether any overlapping authorisations must be relinquished, and assess the implications of differential entry-fee requirements, bank-guarantee obligations and pending-dues undertakings.

- *Harsh Walia (Partner); Abhinav Chandan (Partner) and Aadarsh Prakash (Associate)*

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