

1. Appeal No. CA/L/769/2007 [LAGOS STATE GOVERNMENT & 4 O'RS V. REGISTERED TRUSTEES OF ALTON & 6 O'RS]

Registered Trustees of ALTON [Association of Licensed Telecoms Operators of Nigeria] [Plaintiffs/Respondents] had approached the Federal High Court [FHC] for a declaration that the Infrastructure Maintenance Law [IMRA] enacted by Lagos State in 2004, to the extent that it sought to regulate telecommunications, was unconstitutional and in excess of the state's legislative competence. Plaintiffs also sought for an order of interlocutory injunction restraining the Defendants/Appellant from implementing the said provisions.

The court held that the enactment of IMRA Law encroaches on the powers of the NCC and that Lagos State Government was camouflaging under urban planning to delve into Telecommunications. Accordingly, the relevant portions of the IMRA Law were struck out as *ultra vires*, unconstitutional, null and void.

Lagos State Government has appealed against the decision.

2. Appeal No. CA/A/25/ 2004 [NCC V. MTN]

MTN [Plaintiff/Respondent] applied to the Federal High Court [FHC] for a review of the Interconnect Rate determination carried out by the Commission [NCC]. NCC entered a preliminary objection in the matter, contending that the Plaintiff was obligated to explore pre-action conditions stipulated in Sections 86 – 88 of the Nigerian Communications Act, 2003 [NCA, 2003].

The trial court declined to rule on this objection, hence NCC appealed specifically on this ground. MTN also filed a cross-appeal

On appeal, the Court of Appeal held that it is essential that Plaintiff meet the pre-condition stipulated in Sections 86 – 88 of the NCA, 2003 requiring a review of the decision by NCC, before going to court.

3. Appeal No. CA/A/83/ 2004 [ECONET WIRELESS NIGERIA LIMITED V. NCC]

Econet [Plaintiff/Appellant] applied to the Federal High Court [FHC] challenging the Interconnect Rate determination carried out by the Commission [NCC] in December 2004. NCC challenged the jurisdiction

of the court on grounds that Econet had not followed the necessary procedural requirements before filing the suit.

The court upheld NCC's contention and ruled that the Plaintiff was obligated to comply with the requirements of Sections 86 – 88, NCA, 2003. The suit was thereby struck out.

Plaintiff, dissatisfied with the FHC's decision filed an appeal. The Court of Appeal upheld the appeal in part and remitted the matter to the FHC for a hearing de novo by another judge.

4. Appeal No. CA/A/108/M/2004 [BLUECHIP COMMUNICATIONS LIMITED V. NCC]

Bluechip Communications Ltd. [Plaintiff] filed an action in 2003 against the Commission [NCC] at the FHC, questioning the propriety of the issuance of Mobile Spectrum Licences by NCC to operators [outside Bluechip].

The FHC, consistent with NCC's application, struck out the suit on the ground that Bluechip failed to follow laid down remedial procedures by the NCA [vide Sections 86 – 88].

Bluechip subsequently filed appeal processes in March 2007 challenging the judgment of the FHC. At the Court of Appeal, Plaintiff/Appellant applied for an order restraining NCC from refusing to grant it [Bluechip] a 3G Spectrum Licence. The decision of the Federal High Court was upheld on appeal and the matter was struck out.

Bluechip has again filed and served appeal processes at the Supreme Court, challenging the decision of the Court of Appeal in endorsing the Federal High Court judgment.

5. Suit No. FHC/L/CS/909 [CELTEL & MTN V. NCC]

Celstel and MTN [Plaintiffs] applied to the Federal High Court for an Interlocutory Injunction restraining NCC from adopting a proposed parameter to determine compensations payable by Plaintiffs to their subscribers, for poor Quality of Service.

The court struck out the application and dismissed the suit for non-compliance with pre-action requirements of the Nigerian Communications Act, 2003.

Plaintiffs, dissatisfied with the aforementioned judgment in this case, filed a Motion before the same court for Injunction pending Appeal.

On March 20, 2008, the court dismissed Plaintiffs' Motion. Plaintiffs are yet to take further action on the appeal.