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IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO. FHC/ABJ/CS/643/2025
MOTION NO.....

IN THE MATTER OF AN APPLICATION BY BARR. OBIOMA EZENWOBODO FOR ORDER OF JUDICIAL REVIEW IN THE FORM OF AN ORDER OF CERTIORARI, PROHIBITION, DECLARATION, AND INJUNCTION

AND

IN THE MATTER OF THE RULE/REGULATION APPROVING 50% TELECOMMUNICATION TARIFF ADJUSTMENTS (HIKE)

BETWEEN

BARR. OBIOMA EZENWOBODO

AND

1. NIGERIAN COMMUNICATIONS COMMISSION

2. MTN NIGERIA COMMUNICATIONS PLC



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MOTION ON NOTICE

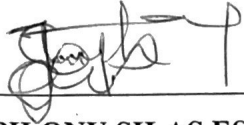
BROUGHT PURSUANT TO ORDER 34 RULES 5 OF THE FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES 2009, SECTIONS 57, 58, 71, 86, 87, 88, AND 110 OF THE NIGERIAN COMMUNICATIONS ACT 2003, AND UNDER THE INHERENT JURISDICTION OF THE HONOURABLE COURT

TAKE NOTICE that the Court will be moved on the day of 2025 at the hour of 9 O'clock in the forenoon or so soon thereafter as Counsel on behalf of the Applicant may be heard praying the Court for the following reliefs:

1. **AN ORDER** prohibiting and setting aside the 1st Respondent's rule/regulation approving 50% telecommunication tariff adjustments (Hike) issued on Monday, 20th January, 2025.
2. **AN ORDER** of injunction restraining the Respondents, whether by themselves, their servants, telecommunication licensees, staff, agents, and/or any other person, from further implementing or giving effect whatsoever to the 1st Respondent's rule/regulation approving 50% telecommunication tariff adjustments (Hike) issued on Monday, 20th January, 2025.
3. **AN ORDER** mandating the Respondents, whether by themselves, their servants, telecommunication licensees, staff, agents and/or any other person, to reimburse, return, and pay back with interests, all deductions/tariffs/charges/money made due to the 1st Respondent's rule/regulation approving 50% telecommunication tariff adjustments (Hike) issued on Monday, 20th January, 2025.
4. **AN ORDER** mandating the Respondents, whether by themselves, their servants, telecommunication licensees, staff, agents, and/or any other person, to conduct a public inquiry, and take into consideration the findings of the public inquiry, before making any rule/regulation approving telecommunication tariff adjustments (Hike) in Nigeria.

5. An Order of N100, 000, 000 (One hundred million naira only) as general damages against the Respondents as a result of the untold hardship, loss, pain, economic deprivation, and psychological distress the Applicant underwent due to the unjust, arbitrary, and illegal charges levied by the Respondents.
6. **AND FOR SUCH FURTHER** or other orders as this Honourable Court may deem fit to make in the circumstances.

Dated this 21 Oct 2025.



JOSEPH ONU SILAS ESQ.

Victor Orizu Esq., Mohammed Ibrahim Adamu Esq., Uchenna Ejimofor Esq.,
(Applicant's Counsel)

SHIELD AND SWORD

(Legal Practitioners, Arbitrators, Notary Public)

1726 Court, Paradise Estate Road, Life Camp, Abuja
Mobile Phone +2348036833425

SERVICE ON THE RESPONDENTS

1st Respondent

Nigeria Telecommunications Commission
Headquarters/Head Office
Plot 423, Aguiyi Ironsi Street, Maitama, Abuja

2nd Respondent

MTN Abuja Head Office
4 Madeira Street, Maitama, Abuja

**IN THE FEDERAL HIGH COURT OF NIGERIA
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SUIT NO. FHC/ABJ/CS/643/2025

IN THE MATTER OF AN APPLICATION BY BARR. OBIOMA EZENWOBODO FOR ORDER OF JUDICIAL REVIEW IN THE FORM OF AN ORDER OF CERTIORARI, PROHIBITION, DECLARATION AND INJUNCTION

AND
IN THE MATTER OF THE RULE/REGULATION APPROVING 50% TELECOMMUNICATION TARIFF ADJUSTMENTS (HIKE)

BETWEEN

BARR. OBIOMA EZENWOBODO ----- **APPLICANT**

AND

1. NIGERIAN COMMUNICATIONS COMMISSION } **RESPONDENTS**
2. MTN NIGERIA COMMUNICATIONS PLC }

STATEMENT IN SUPPORT

1. NAME AND DESCRIPTION OF THE APPLICANT:

- a. The Applicant, Barr. Obioma Ezenwobodo, Nigerian Citizen, Adult, Male, Christian, Legal Practitioner, of Plot 22 Ladoke Akintola Boulevard, Abuja.
- b. The Applicant is a telecommunication mobile and data subscriber of the 2nd Respondent, one of the Licensees of the 1st Respondent, with a registered number - 08064999866.

2. RELIEFS SOUGHT BY THE APPLICANT:

The Applicant is seeking the following reliefs:

- i. **AN ORDER** prohibiting and setting aside the 1st Respondent's rule/regulation approving 50% telecommunication tariff adjustments (Hike) issued on Monday, 20th January, 2025.
- ii. **AN ORDER** of injunction restraining the Respondents, whether by themselves, their servants, telecommunication licensees, staff, agents, and/or any other person, from further implementing or giving effect whatsoever to the 1st Respondent's rule/regulation approving 50% telecommunication tariff adjustments (Hike) issued on Monday, 20th January, 2025.
- iii. **AN ORDER** mandating the Respondents, whether by themselves, their servants, telecommunication licensees, staff, agents and/or any other person, to reimburse, return, and pay back with interests, all deductions/tariffs/charges/money made due to the 1st Respondent's rule/regulation approving 50% telecommunication tariff adjustments (Hike) issued on Monday, 20th January, 2025.
- iv. **AN ORDER** mandating the Respondents, whether by themselves, their servants, telecommunication licensees, staff, agents and/or any other person, to conduct public inquiry,

and take into consideration the findings of the public inquiry, before making any rule/regulation approving telecommunication tariff adjustments (Hike) in Nigeria.

- v. An Order of N100, 000, 000 (One hundred million naira only) as general damages against the Respondents as a result of the untold hardship, loss, pain, economic deprivation and psychological distress the Applicant underwent due to the unjust, arbitrary and illegal charges levied by the Respondents.
- vi. **AND FOR SUCH FURTHER** or other orders as this Honourable Court may deem fit to make in the circumstances.

3. GROUNDS UPON WHICH RELIEFS ARE SOUGHT:

- a. The 1st Respondent is the body established by section 3 of the NCA, 2003 with the responsibility for the regulation of the communications sector in Nigeria.
- b. The 2nd Respondent is a telecommunication service provider licensed by the 1st Respondent, and which the Applicant subscribed to its telecommunication services.
- c. The 1st Respondent, by a Press Release with reference 2025/Vol.5/No.1 dated Monday, January 20, 2025, made a rule/regulation by approving 50% telecommunication tariff adjustments (Hike) in Nigeria in pursuant to the combined provisions of sections 108 and 110, (under **Part III – Tariff Rate Regulation**), of the NCA, 2003. Thus:
 - i. Section 108 provides, amongst other things, that licenses, including the 2nd Respondent, shall not impose any tariff or charges for the provision of any service until the 1st Respondent has approved such tariff rates and charges except as otherwise provided.
 - ii. Section 110 provides, amongst other things, that the 1st Respondent may from time to time make rules or regulations on determination and publication of tariff rates for respective services by the licensees specified in section 108(1) of the NCA, 2003.
- d. In making this rule/regulation, the 1st Respondent failed, neglected, or refused to convene a public inquiry prior to making this rule/regulation, as mandated by the combined provisions of sections 57(3), 58, 70(1)(c), and 71(1) and (2) of the NCA, 2003. Thus:
 - i. It is provided in the NCA, 2003, that where the 1st Respondent is mandatorily required to conduct an **inquiry**, that inquiry shall be a **public inquiry**. This is provided by **Section 57(3)** (under **Part II – INQUIRY**), thus:

“The Commission shall hold a public inquiry in all instances that it is mandatorily required to hold an inquiry under this Act or its subsidiary legislation.”

Section 58 provides a copious manner of conducting a PUBLIC INQUIRY as referenced in section 57(3).

- ii. Though the 1st Respondent has the discretion to make and publish regulations on telecommunication fees or charges as provided in section 70 (1)(c), the 1st Respondent SHALL conduct an inquiry, as specified in Part 11 of the NCA, 2003 prior to making of the regulation. Thus, the use of the mandatory term ‘shall’ in mandating an inquiry, prior to making any regulation on telecommunication fees or charges in the manner specified in **Section 57(3)** (under **Part II – INQUIRY**), clearly mandates the making of public inquiry prior to making or publishing the rule/regulation approving 50% telecommunication tariff adjustments (Hike) in Nigeria by the 1st Respondent. This is provided in section 71(1) and (2) thus:

“(1) The Commission **shall**, prior to making any regulation under this Act, conduct an inquiry in the manner specified in **Part II of this Chapter** on the subject matter of the proposed regulation.

(2) The Commission shall, in making the regulation, take into consideration the findings of the inquiry under subsection (1) of this section.”

- e. The Applicant, a registered telecommunication user and subscriber to the 2nd Respondent, was not invited or given notice of any public inquiry before the making of the regulation on telecommunication tariff adjustments (hike) by the 1st Respondent.
- f. The Applicant, being dissatisfied, wrote to the 1st Respondent requesting reasons for both the astronomical and arbitral hike and the failure/refusal to conduct a public inquiry before the tariff adjustments (hike). The letter is dated 28th January 2025 and titled: REQUEST FOR A STATEMENT OF REASONS FOR THE 50% TELECOMMUNICATION TARIFF ADJUSTMENT (HIKE) BROUGHT PURSUANT TO SECTIONS 86, 87, AND 88 OF THE NIGERIAN COMMUNICATIONS ACT, 2003.
- g. After waiting for 31 days without any response from the 1st Respondent, the Applicant wrote another letter to it appealing for the review/cancellation of the telecommunication tariff hike initiated on the 20th January 2025. The letter is dated 28th of February 2025 and titled: REQUEST FOR REVIEW OF THE 50% TELECOMMUNICATION TARIFF ADJUSTMENT (HIKE) BROUGHT PURSUANT TO SECTION 86, 87, AND 88 OF THE NIGERIAN COMMUNICATION ACT (NCC), 2003.
- h. Subsequently, the 1st Respondent responded to the Applicant’s second letter stating the reasons for its rule/regulation, the reason for the failure to conduct a public inquiry, and the reason for the continuation of the tariff regime. The letter is dated 14th March 2025 and titled: RE: REQUEST FOR REVIEW OF THE 50% TELECOMMUNICATION TARIFF ADJUSTMENT (HIKE) BROUGHT PURSUANT TO SECTION 86, 87, AND 88 OF THE NIGERIAN COMMUNICATION ACT (NCC), 2003.
- i. The 1st Respondent failure and refusal to convene or make a public announcement convening a public inquiry, despite the Applicant’s several correspondences to it to do so, is arbitral, unjust, ultra vires,

oppressive, high handed, against the rule of law and abuse of dominant position as provided by sections 74(1) and (2), 124 and 127 of the Federal Competition and Consumer Protection Act, 2018.

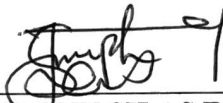
- j. Unless the Respondents are immediately restrained, the Applicant will continue to be exploited, manipulated, and ripped off by the Respondents' oppressive and arbitrary tariff adjustments.
- k. The continued implementation of the 1st Respondent's rule/regulation by the 2nd Respondent in any manner will, by way of crazy telecommunication tariffs and charges on his registered phone line, undoubtedly cause damages to the Applicant, who now spends an additional 50% increase on recharging for data bundles and call credits.

4. FACTS IN SUPPORT OF THE APPLICATION:

- a. The facts in support of this application are as deposed to in the supporting affidavit and the Exhibits attached thereto.

The Honourable Court is invited to consider the same and grant the application.

Dated this 21 day of Oct 2025



JOSEPH ONU SILAS ESQ.

Victor Orizu Esq., Mohammed Ibrahim Adamu Esq., Uchenna Ejimofor Esq.,

(Applicant's Counsel)

SHIELD AND SWORD

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