

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI**

DATED 3RD FEBRUARY,2006

PETITION No. 12(C) OF 2006

Perfect Cable Network

...Petitioner

Vs

Star India Private Limited & Anr.

...Respondents

BEFORE:

**HON'BLE MR. JUSTICE N. SANTOSH HEGDE,
CHAIRPERSON**

MR. VINOD VAISH, MEMBER

LT.GEN.D.P.SEHGAL(RETD.),MEMBER

For Petitioner : Mr.Prabhat Kumar,Advocate

For Respondent.No.1 : Mr.Prateek Jalan with
Mr.Ashish Jha,Advocates

ORDER

Learned counsel for the petitioner submits that the dispute between the parties has been settled outside the Tribunal and, therefore, he seeks permission to withdraw the petition. Prayer granted. The petition is dismissed as withdrawn on having become infructuous.

.....J
(N. Santosh Hegde)
Chairperson

.....
(Vinod Vaish)
Member

.....
(D.P.Sehgal)
Member

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI**

DATED 18TH JANUARY,2006

PETITION No. 12(C) OF 2006

(With Caveat No.9683 of 2005)

Perfect Cable Network

...Petitioner

Vs

Star India Private Limited & Anr.

...Respondents

BEFORE:**HON'BLE MR. JUSTICE N. SANTOSH HEGDE,
CHAIRPERSON****MR. VINOD VAISH, MEMBER****LT.GEN.D.P.SEHGAL(RETD.),MEMBER**

For Petitioner : Mr.Prabhat Kumar,Advocate

For Respondent.No.1 : Mr.Prateek Jalan with Ms.Kanika
Agnihotri, Mr.Sarvesh Singh and
Mr.Ashish Jha,Advocates

ORDER

Notice. Ms.Kanika Agnihotri,learned counsel accepts notice on behalf of respondent no.1. Notice be issued to second respondent *dasti* in addition. Counter be filed within two weeks.

2. Learned counsel for the petitioner submits that though the subscription agreement has expired, the respondent is not willing to sign the fresh agreement but is demanding the petitioner to accept the second bouquet which the petitioner is not willing to accept. Learned counsel for the respondent however submitted that the allegation made by the petitioner is not correct. As a matter of fact, even the agreed sum of subscription is not being paid regularly by the petitioner. He has pointed out from the document produced by the petitioner himself that from October onwards though the invoice shows

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Rs.17,687.10 as amount due, the petitioner is only paying Rs.16,050/- i.e. minus the tax and hence the petitioner is at fault.

3. Be that as it may, we direct the respondent not to disconnect the signals of the petitioner till the next date of hearing. In the meantime, we direct the petitioner and the respondent that both of them shall negotiate the terms of the agreement to be signed by either of the respondents. We also make it clear that the petitioner is liable to pay apart from the agreed subscription sum the tax payable.

4. List on 3rd February,2006 for directions/further proceedings. Caveat No.9683 of 2005 stands disposed of.

.....J
(N. Santosh Hegde)
Chairperson

.....
(Vinod Vaish)
Member

.....
(D.P.Sehgal)
Member