

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

**DATED 18<sup>TH</sup> JANUARY, 2006**

**PETITION No.40(C) OF 2004  
(M.A.No.102 of 2005)**

M/S J.S.J.Cable Network	...Petitioner
Vs	
In Cable Indusind Media Communication Limited & Ors.	...Respondents

**BEFORE:**

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

For Petitioner	:	Mr.Priyabrat Tripathy,Advocate
For Respondent No.2	:	Mr.Vibhav Srivastava for Mr.Sunil Agarwal,,Advocates
For Respondent No.6 – Atria Convergence & Technology Private Limited	:	Mr.Ashok Kumar Upadhyay, Mr.Vikas R., Advocates

**ORDER**

In this petition, the petitioner has sought for signals from respondent nos.1-6 of same channels. We have directed the petitioner on the last date of hearing that he must choose any one of the respondents as a MSO to supply signals to him and he cannot simultaneously ask for signals of the same channels from all the respondents. Today on instructions from his client, learned counsel for the petitioner says that the petitioner would seek signals from the second respondent.

2. Earlier, in this petition we had directed that since the petitioner will have to lay its own cable for seeking signals from the second respondent it is necessary that he obtains permission from the BESCO authorities which learned counsel for the petitioner now submits he has obtained, but this is disputed by the learned counsel for the respondents saying that that is not the final authorization.

3. To avoid further delay, we direct the petitioner and the 2<sup>nd</sup> respondent to negotiate the terms of Subscriber Agreement and sign the same within two weeks. However, this Agreement will come into force only after the petitioner obtains the final authorization from BESCO and lays the cable to the nearest point from where it could obtain signals from the 2<sup>nd</sup> Respondent. It is only on such agreement being signed and steps being taken, as referred to hereinabove, the 2<sup>nd</sup> Respondent is obligated to give signals on terms agreed to in the Agreement referred to hereinabove.

4. Since we have granted the relief prayed for by the Petitioner by directing the 2<sup>nd</sup> Respondent to give signals on terms and conditions mentioned hereinabove, we do not think the Petitioner could seek relief from others. Hence, we discharge the said Respondents from the array of parties.

Before concluding, however, we think it necessary to note that the 6<sup>th</sup> Respondent has filed a reply wherein it has taken a stand in regard to certain business conditions adopted by it. We prima facie think that these conditions are contrary to the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation 2004 framed by the TRAI. However, since no prayer is sought for in regard to validity of these conditions, we will not go into this question.

5. Petition is disposed of. No costs.

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

.....  
**(Vinod Vaish)**  
**Member**

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