

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

**DATED 12<sup>TH</sup> JANUARY, 2006**

**PETITION No.155(C) OF 2005**

Operators Network Private Limited	-	...Petitioner
Vs		
Star India Pvt. 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.S.N.Bhat, Mr.D.P.Chaturvedi, Mr.N.P.S. Panwar,Advocates
For Respondent No.1- Star	:	Mr.Gopal Jain, Ms.Simran Brar,Mr.Ashish Jha,Advocates

**ORDER**

The petitioner who is a cable operator and who has a subscription agreement with the first respondent herein has filed this petition complaining that the first respondent broadcaster has illegally disconnected its signals without even issuing proper notice and without any valid reasons. It also contends that the notice of the alleged piracy issued is dated 23<sup>rd</sup> December,2005 received by it on 31<sup>st</sup> December,2005 and the disconnection has taken place on 28<sup>th</sup> December,2005 even before the notice was received by the petitioner. It also states that he has not been indulging in any piracy and it is only an excuse on behalf of the first respondent to disconnect the signals of the petitioner because the petitioner did not agree to receive signals of second bouquet of the respondent on a higher subscription rate.

2. The first respondent has filed its reply and to substantiate its ground that the petitioner has been indulging in piracy, it has filed an affidavit of one Shri S. Babu, son of Shri Kencha who is residing at Door No.25/14/753, S.B. Industries, 1<sup>st</sup> Right Cross, Souterpete, Mangalore-2, which according to the respondent proves that the petitioner has been supplying signals to subscribers outside its allotted territory i.e. Valencia. On this ground the first respondent has sought to justify the disconnection.

3. Along with the rejoinder filed by the petitioner the petitioner has produced an endorsement issued by the Revenue Officer, Mangalore City Corporation which states that the place of residence where above mentioned S.Babu, son of Kencha receives T.V. signals i.e. Door No.25/14/753, S.B.Industries, 1<sup>st</sup> Corss, Souterpet, Mangalore-575002 falls within the Municipal Corporation Ward No.48-Valencia. Learned counsel for the respondent has not been able to deny the correctness of this endorsement issued by the Mangalore City Corporation.

4. A consideration of the affidavit filed by the said Babu on behalf of the first respondent and the endorsement issued by the Mangalore City Corporation clearly says that the residence of the above mentioned Babu falls within the Municipal Ward of Valencia. Therefore, the basis of the disconnection that the petitioner has been indulging in piracy falls to ground. The factum of the above mentioned Babu residing within the corporation limits of the city of Mangalore is also established by the Electoral Roll of Mahanagar Palika Ward No.48 at Valencia Ward.

5. For the reasons stated hereinabove we are satisfied that the ground on which the petitioner's signals have been disconnected is not justified. Therefore, we direct the first respondent to reconnect the signal to the petitioner as was being supplied to it before the disconnection on the same terms and conditions, within 48 hours from today.

6. With the above directions, the petition is allowed.

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

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

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