

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

DATED 30TH MARCH, 2006

PETITION No.8(C) OF 2005

(M.A.No.37 of 2006)

M/S Sky Vision

Vs

Star India Private Ltd.& Anr.

...Petitioner

...Respondents

BEFORE:

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

MR. VINOD VAISH, MEMBER

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

For Petitioner : Mr.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. : Mr.Gopal Jain,Ms.Kanika Agnihotri,
Ltd. Mr.Ashish Jha,Mr.Gaurav
Vatts,Advocates for Karanjawala & Co.

ORDER

M.A.37 of 2006:

This is an application seeking a direction to the first respondent to enter into a subscription agreement with the petitioner for supply of Satellite TV signals to the cable TV network of the petitioner.

Learned counsel for the first respondent submitted that if the petitioner desires to get signals of the first respondent then it should approach its MSO second respondent herein and enter into a subscription agreement with the said respondent.

Therefore, we direct the petitioner to approach second respondent for receiving signals of the first respondent broadcaster in which event the second respondent will consider the request on reasonable basis and if for any reason second respondent is not willing to enter into a settlement then it shall give reasons for the same. Such settlement shall be arrived at within two weeks from today. The M.A. is disposed of.

List the matter on 20th April,2006 for hearing.

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

.....
(Vinod Vaish)
Member

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

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

DATED 1ST FEBRUARY, 2006

PETITION No.8(C) OF 2005

(With M.A.Nos.31 & 234 of 2005)

M/S Sky Vision

...Petitioner

Vs

Star India Private Ltd.& 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.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt.
Ltd.

: Mr.Sarvesh Singh,Mr.Ashish Jha,
Advocates for Karanjawala & Co.

ORDER

-

The grievance of the petitioner in this petition is that it is a MSO who has sought signals of the first respondent on a subscriber base of 2500, but the first respondent has refused to recognize the petitioner as a MSO on the ground that from the material supplied to it there is no indication of the fact that the petitioner is a

MSO. It has also taken stand that it has got a recognized MSO in that area i.e. second respondent in the petition. Therefore, the petitioner should only seek signals through such MSO. This issue whether a MSO should seek signals from a competing MSO has since been settled by an order of this Tribunal in Petition No.41(C) of 2005 disposed of on 24th August,2005 titled Sea T.V. Network Ltd. Star India Pvt. Ltd. & Anr. wherein this Tribunal has held that between similarly situated persons the broadcaster/distributor cannot discriminate and compel one person situated in the same platform as the other to receive signals from the competitor. We are aware of the fact that this order of the Tribunal is now before the Hon'ble Supreme Court. But since there is no stay order the declaration made by this Tribunal in that case applies to the facts of the present case also.

2. After the coming into force of the subscription agreement regulation it has become mandatory for the parties to enter into a subscription agreement and the broadcaster/distributor who is a party to that agreement would have to register the said agreement with the authority named by the Telecom Regulatory Authority of India. Therefore, we direct the petitioner to approach the first respondent with the request to give signals to it treating the petitioner as a MSO. It is open to the first respondent to make such enquiry as is reasonable to satisfy itself whether in fact the petitioner is a MSO or not. It is also open to the first respondent to cross-check the list of subscribers/cable operators which will be given by the petitioner with complete address of such subscribers/cable operators as to the veracity and correctness of the same. The subscription payable by the petitioner shall be on a non discriminatory and reasonable terms as is held by this Tribunal in order dated 17th January,2006 in E.A.No.2 of 2005 Petition No.41(C) of 2005 (supra).

3. If in the process of signing the agreement there arises any dispute as to the terms, the aggrieved party may approach this Tribunal.

4. List this matter on 29th March,2006 for further hearing.

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

.....
(Vinod Vaish)
Member

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

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

DATED 1ST FEBRUARY, 2006

PETITION No.8(C) OF 2005

(With M.A.Nos.31 & 234 of 2005)

M/S Sky Vision

...Petitioner

Vs

Star India Private Ltd.& 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.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. : Mr.Sarvesh Singh,Mr.Ashish Jha,
 Ltd. Advocates for Karanjawala & Co.

ORDER

-

The grievance of the petitioner in this petition is that it is a MSO who has sought signals of the first respondent on a subscriber base of 2500, but the first respondent has refused to recognize the petitioner as a MSO on the ground that from the material supplied to it there is no indication of the fact that the petitioner is a MSO. It has also taken stand that it has got a recognized MSO in that area i.e. second respondent in the petition. Therefore, the petitioner should only seek signals through such MSO. This issue whether a MSO should seek signals from a competing MSO has since been settled by an order of this Tribunal in Petition No.41(C) of 2005 disposed of on 24th August,2005 titled Sea T.V. Network Ltd. Star India Pvt. Ltd. & Anr. wherein this Tribunal has held that between similarly situated persons the broadcaster/distributor cannot discriminate and compel one person situated in the same platform as the other to receive signals from the competitor. We are aware of the fact that this order of the Tribunal is now before the Hon'ble Supreme Court. But since there is no stay order the declaration made by this Tribunal in that case applies to the facts of the present case also.

2. After the coming into force of the subscription agreement regulation it has become mandatory for the parties to enter into a subscription agreement and the broadcaster/distributor who is a party to that agreement would have to register the said agreement with the authority named by the Telecom Regulatory Authority of India. Therefore, we direct the petitioner to approach the first respondent with the request to give signals to it treating the petitioner as a MSO. It is open to the first respondent to make such enquiry as is reasonable to satisfy itself whether in fact the petitioner is a MSO or not. It is also open to the first respondent to cross-check the list of subscribers/cable operators which will be given by the petitioner with complete address of such subscribers/cable operators as to the veracity and correctness of the same. The subscription payable by the petitioner shall be on a non discriminatory and reasonable terms as is held by this Tribunal in order dated 17th January,2006 in E.A.No.2 of 2005 Petition No.41(C) of 2005 (supra).

3. If in the process of signing the agreement there arises any dispute as to the terms, the aggrieved party may approach this Tribunal.

4. List this matter on 29th March,2006 for further hearing.

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

.....
(Vinod Vaish)
Member

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

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

DATED 31ST JANUARY, 2006

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision

...Petitioner

Vs

Star India Private Ltd.& 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.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. : Mr.Ashish Jha,Advocate for
Ltd. Karanjawala & Co.**ORDER**

-

Adjourned to 1st February,2006 for final hearing on the request of the learned counsel for the respondent......J
(N. Santosh Hegde)
Chairperson.....
(Vinod Vaish)
Member.....
(D.P.Sehgal)
Member**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI****DATED 23RD JANUARY, 2006****PETITION No.8(C) OF 2005
(With M.A.Nos.31, 234 of 2005)**

M/S Sky Vision

...Petitioner

Vs

Star India Private Ltd.& Anr.

...Respondents

BEFORE:**MR. VINOD VAISH, MEMBER
LT.GEN.D.P.SEHGAL(RETD.),MEMBER**

For Petitioner : Mr.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Sarvesh Singh,Advocate for Karanjawala & Co.

For Respondent No.2-Future Communications Network : Mr.Nidhesh Gupta,Advocate

ORDER

It is pointed out by learned counsel for respondent no.2 that he has not been served a copy of the affidavit dated 4th January,2006. Learned counsel for the petitioner undertakes to give a copy in the course of the day. Reply, if any, shall be filed by 28th January,2006.

2. Case is fixed for final hearing on 31st January,2006.

.....
(Vinod Vaish)
Member

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

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

DATED 10TH JANUARY, 2006

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision : ...Petitioner
Vs
Star India Private Ltd.& 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.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Gopal Jain with
 Ms. Kanika Agnihotri,Mr.Ashish Jha
 and Ms.Simran Brar,Advocates for
 Karanjawala & Co.

ORDER

List this matter for final hearing on 23rd January,2006.

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

.....
(Vinod Vaish)
Member

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

TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI

DATED 4TH JANUARY, 2006

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision
 Vs

Star India Private Ltd.& Anr.

...Petitioner

...Respondents

BEFORE:

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

MR. VINOD VAISH, MEMBER
LT.GEN.D.P.SEHGAL(RETD.),MEMBER

For Petitioner : Mr.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Gopal Jain with
Ms. Kanika Agnihotri,Mr.Ashish Jha
and Ms.Simran Brar,Advocates for
Karanjawala & Co.

ORDER

-

On the request of the learned counsel for the respondent, list this matter for final hearing on 10th January,2006.

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

.....
(Vinod Vaish)
Member

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

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

DATED 12TH DECEMBER, 2005

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision ...Petitioner
Vs
Star India Private Ltd.& 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.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Gopal Jain with
Ms. Kanika Agnihotri and
Ms.Simran Brar,Advocates for
Karanjawala & Co.

ORDER

-

Learned counsel for the petitioner at the time of arguments submitted that his client is a Multi Service Operator. But from the pleadings as filed, we find no material to substantiate this. Learned counsel for the petitioner seeks permission to file additional affidavit to establish his above contention. The affidavit may be filed within two weeks. Counter to the same, if any, be filed within one week thereafter.

List this matter for final hearing on 4th January,2006.

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

.....
(Vinod Vaish)
Member

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

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

DATED 16TH NOVEMBER, 2005

M.A.No.234 of 2005
in
PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision

...Petitioner

Vs

Star India Private Ltd.& Anr.

...Respondents

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

For Petitioner : Mr.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Gopal Jain,
Mr.Sarvesh Singh,Advocates for
Karanjawala & Co.

For Respondent No.2-Future
Communications Network : Mr.Nidhesh Gupta,Advocate

ORDER-
-

List this matter for final hearing on 12th December, 2005. Additional pleadings, if any, be filed in the meanwhile.

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

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI****DATED 11TH NOVEMBER, 2005****PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)**

M/S Sky Vision

...Petitioner

Vs

Star India Private Ltd.& 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.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Gopal Jain,
Mr.Ashish Jha,Advocates for
Karanjawala & Co.

-

ORDER

-

-

In this Petition, the Petitioner is alleging that he has been refused signals by the first Respondent on the ground that he should approach the second Respondent, who the first Respondent has appointed as its exclusive MSO, which the petitioner submits is contrary to the decision of this Tribunal.

This matter was listed today for final hearing but due to the pre-occupation of this Tribunal with another matter, it may not be possible for us to take up this matter for final hearing today and since the Petitioner is without signal since 8th March, 2003, we think it appropriate to direct the first Respondent, as an interim measure, to supply signals

: 2 :

to the Petitioner on such reasonable terms and conditions and without prejudice to claim of both the parties, within 48 hours from today subject to the Petitioner signing the subscription agreement with the first Respondent.

List this matter for final hearing on 15th December, 2005.

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

.....
(Vinod Vaish)
Member

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

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

DATED 6TH OCTOBER, 2005

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision
 Vs
 Star India Private Ltd.& Anr.

...Petitioner
 ...Respondents

BEFORE:

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

For Petitioner : Mr.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Gopal Jain, Ms.Kanika Agnihotri,
 Mr.Ashish Jha and Ms.Simran Brar,
 Mr.Sarvesh Singh,Advocates for
 Karanjawala & Co.

-
ORDER
 -
 -

List on 28th October,2005 for directions/further proceedings

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

.....
(Vinod Vaish)
Member

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

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

DATED 22ND JULY, 2005

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision	...	Petitioner
Vs		
Star India Private Ltd.& 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.Vineet Bhagat,Advocate
For Respondent No.1- Star India Pvt. Ltd.	:	Mr.Gopal Jain, Ms.Kanika Agnihotri, Mr.Ashish Jha and Ms.Simran Brar,Advocates

ORDER

List on 12th August,2005 for directions/further proceedings. Petitioner to produce proof of service on the 2nd respondent in the meanwhile.

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

Chairperson

.....
(Vinod Vaish)
 Member

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

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

DATED 4TH JULY, 2005

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision
 Vs
 Star India Private Ltd.& Anr.

...Petitioner
 ...Respondents

BEFORE:

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

**MR. VINOD VAISH, MEMBER
 LT.GEN.D.P.SEHGAL(RETD.),MEMBER**

For Petitioner : Mr.Vineet Bhagat,Advocate

For Respondent No.1- Star India Pvt. Ltd. : Mr.Gopal Jain, Ms.Kanika Agnihotri,
 Advocates

ORDER

Counter filed by respondent no.1 as well as rejoinder filed thereto by petitioner is taken on record.
 Issue notice to 2nd respondent returnable within two weeks.

To be listed on 22nd July,2005 for directions/further proceedings.

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

.....
(Vinod Vaish)
 Member

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

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

DATED 8TH APRIL, 2005

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision
 Vs
 Star India Private Ltd.

...Petitioner
 ...Respondent

BEFORE:

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

For Petitioner : Mr.Vineet Bhagat,Advocate
 For Respondent : Mr.Gopal Jain, Ms.Niharika Bahl
 Mr.Sarvesh,Advocates

ORDER

On oral request of Mr.Bhagat, we implead Future Communications Network through Shri Man Mohan Singh Bajwa as Respondent No.2 in this proceedings. It is this party which has been nominated by Respondent No.1 as distributor to supply signals to the petitioner. Amended petition, a copy of which has been given to Mr.Gopal Jain, shall be filed today itself. Notice be issued to the 2nd respondent. Notice may be taken *dasti*.

To be listed 16th May, 2005 for directions/further proceedings.

.....
(D.P. Wadhwa)
 Chairperson

.....
(Vinod Vaish)
 Member

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

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

DATED 1ST MARCH, 2005

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision
 Vs
 Star India Private Ltd.

...Petitioner
 ...Respondent

BEFORE:

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

For Petitioners : Mr.Vineet Bhagat with
 Mr.Santosh Kumar,Advocates

For Respondent : Mr.Gopal Jain, Ms.Meghna Mishra,
 Ms.Niharika Bahl and
 Mr.Ashish Jha,Advocates

ORDER

We have heard learned Counsel for the petitioner to some extent. Let him give the particulars as contained in the letter dated 17th January,2005 of the respondent-Star (Page.37) within one week. To that, reply shall be sent by Star to the petitioner within a week thereafter. We hope that both parties will sit together and sort out the differences, if any, before the next date.

To be listed on 21st March,2005 for directions/further proceedings.

.....J
(D.P. Wadhwa)
 Chairperson

(Vinod Vaish)
Member

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

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

DATED 8TH FEBRUARY, 2005

PETITION No.8(C) OF 2005
(With M.A.No.31 of 2005)

M/S Sky Vision
Vs
Star India Private Ltd.

...Petitioner
...Respondent

BEFORE:

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

For Petitioners : Mr.Vineet Bhagat,Advocate

For Respondent : Mr.Gopal Jain, Ms.Meghna Mishra,
Ms.Niharika Bahl, Ms.Ruby Ahuja and
Mr.Ashish Jha,Advocates

ORDER

Issue notice. Mr.Jain accepts notice on behalf of respondent. Reply shall be filed within 15 days.
Rejoinder thereto, if any, be filed at least two days before the next date.
To be listed on 1st March,2005 for directions/further proceedings.

.....J
(D.P. Wadhwa)
Chairperson

.....
(Vinod Vaish)
Member

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