

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

DATED 7TH MARCH, 2006

PETITION No.48(C) OF 2006

Vigneswara Cable Network - ...Petitioner

Vs

Eunadu Television - ...Respondent

BEFORE:

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

For Petitioner : Mr.Prabhat Kumar,Advocate

For Respondent : Ms.Neelima Tripathi, Advocate

ORDER

The respondent has filed interim reply opposing the interim prayer made in the petition. But taking into consideration the narrow scope of the petition, it is considered at this stage appropriate to dispose of this petition on the basis of the pleadings that is available now before the Tribunal.

2. Heard the learned counsel for the parties. Thought the petitioner has sought decoders from the respondent broadcaster for receiving its signals of ETV and ETV-2, petitioner has no objection if these signals are routed through the MSO of the respondent.

3. The respondent in its interim reply has stated that in the city of Kavali, Nellore, it has appointed M/s Kavali Entertainment Network as its agent and the petitioner has been asked to approach the said agent and obtain the required signals. The learned counsel for the petitioner however expressed the apprehension that the MSO named hereinabove may not be able to give proper signals. This apprehension in the Tribunals' view cannot be accepted at this stage because under the interconnection regulations it is the responsibility of the broadcaster to see that its agent or intermediary supplies signals

to the cable operators in consonance with the obligations placed in the regulations which includes supply of good quality signals. Therefore, if the petitioner has any complaint that the signals being received is not of good quality, then it will have to first approach the respondent broadcaster and complain the said broadcaster about the quality of the signals. If no action is taken, then it can approach this Tribunal for redressal of its grievance. In view of the interconnection regulations now it has become mandatory of the parties to first enter into a written agreement on agreed terms. Therefore, now it is necessary for the petitioner to approach M/s Kavali Entertainment Network for receiving signals of the respondent broadcaster on agreed terms. If for any reason the terms of the agreement are not acceptable to the petitioner, it is open to the petitioner to approach this Tribunal at that stage giving reasons why the concerned terms are not acceptable to it.

4. For the reasons stated above, the petitioner is directed to approach M/s Kavali Entertainment Network within one week from today. M/s Kavali Entertainment Network will then entertain the request of the petitioner for entering into a subscription agreement on negotiated terms within three weeks from the said date.

5. With the above directions, the petition is disposed of.

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