

Respondent No.2. In this petition, the Petitioners complain that Respondent No.2 has been overcharging the consumers in their locality. Therefore, by way of a letter petition, the said consumers have raised a dispute as to the right of the Respondent to charge excessively.

2. Respondent No.2 has denied this charge and has also challenged the maintainability of the petition on the ground that there is no society like the Vinpeace Cables (J.P. Cablevision) Upbhokta Mandal and the representative of the Petitioner, viz. Manubhai Moghabhai Desai is alone aggrieved by the charges levied by the Respondent, hence this petition should be dismissed. In reply the Petitioner's representative has pleaded that there are more than 500 members, all residing in about 20 apartments in the area of Bhatar Char Rasta, Surat and all have a common grievance against Respondent No.2. It is also stated that on a complaint made by the aggrieved consumers, the authorities have cancelled the registration of Respondent No.2. Consequently, he is not in a position to supply the signals now because of which the members of the Petitioner group are now getting signals from another signal supplier(MSO) directly, who has been charging them reasonably and they have no grievance against the said signal provider.

3. On receipt of this petition, having perused the contents of the same, this Tribunal considered it as a complaint of a group of consumers, hence, entertained the same as per its reasoned order dated 22nd November, 2005 and requested Mr. Rakesh Gosain, the learned counsel to assist the Tribunal as an amicus curiae in the matter, which request has been accepted by the said learned counsel.

4. We have heard the learned counsel for the parties apart from the representative of the Petitioner also and bearing in mind the object of the Telecom Regulatory Authority of India Act, 1997 and regulations framed thereunder, we think that the interest of the consumers like the Petitioner group should be protected and when they are able to get signals at a reasonable rate from another signal provider, we think that it would be unreasonable to compel the Petitioners to receive signals from Respondent No.2 only. Therefore, in the interest of justice, we think it appropriate that notwithstanding what has been directed by the police authorities, consumers who are members of the Petitioner group should, if they so choose, receive signals from the present signal provider (MSO) and not from the second Respondent, provided they give their complete names and addresses to Respondent No.2 expressing their desire to receive signals from the present signal provider and Respondent No.2 shall not in any manner interfere with the receipt of the signals by the members of the Petitioner group from the present signal provider.

5. We are informed that there are certain disputes that are going on before the concerned authorities in regard to the registration of Respondent No.2; we make it clear that we have not

expressed any opinion in regard to the claims of the parties in the said proceedings. We place on record our gratitude to Shri Rakesh Gosain, the learned counsel for the Petitioner, who has assisted this Tribunal as Amicus Curiae and direct the TDSAT Bar Association to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to Shri Gosain as remuneration for his appearance in this petition.

6. With the above direction, this Petition stands disposed.

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

.....
(Vinod Vaish)
Member

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