

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

DATED 8TH MAY,2007

Petition No.98C) of 2007

(M.A.No.56 of 2007)

C.H. Entertainment Pvt. Ltd. ...Petitioner
Vs.
Connect Broadband Services Limited ...Respondent

BEFORE:

**HON'BLE MR.JUSTICE ARUN KUMAR,CHAIRPERSON
LT.GEN.D.P.SEHGAL(RETD.),MEMBER**

For Petitioner : Mr.Meet Malhotra with
Mr.Vineet Bhagat,,Advocates

For Respondent : Mr.C.A.Sundaram, Senior Advocate with
Mr.Arun Kathpalia,
Mr.Manjul Bajpai,
Ms.Payal Kakra, Advocates

ORDER

At the outset, learned senior counsel for the respondent has raised an objection that the nature of dispute raised by the petitioner in this petition does not fall within the ambit of the Telecom Regulatory Authority of India Act and, therefore, this Tribunal has no jurisdictions to deal with this matter. The broad facts necessary to deal with this issue are that the petitioner sold its entire network to the respondent for a consideration. Two agreements were executed between the parties. One of the agreements is regarding the sale of network while the other is distributionship agreement. The agreements are not being disputed by either party. As per clause 2.3.2 of the distributorship agreement, the petitioner has to provide all possible support to the respondent in getting the LCOs listed in Schedule – I of the agreement to enter into direct connection and commercial agreement with the respondent. This clause further provides that the petitioner “shall also

make best efforts to help the First Party enroll other LCOs in the Operating Territory in order to expand the total number of subscribers to be covered under the Project.” In the background of this clause it has been stated in the affidavit dated 5.5.07 filed by the respondent before us that all the 41 LCOs who were mentioned in Schedule – I of the agreement have shifted from petitioner to the respondent. They have signed franchisee agreements directly with the respondent. Thus all the erstwhile LCOs of the petitioner have become direct franchisees under the respondent. The petitioner, however, does not accept this.

The dispute which now remains between the parties can at best be about the breach of the said two agreements. There is no dispute pertaining to telecom service. Therefore, in our view, this petition is not maintainable in this Tribunal and the same is accordingly dismissed. If the petitioner has any grievance it may approach the appropriate forum in accordance with law.

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(Arun Kumar)
Chairperson

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(D.P.Sehgal)
Member

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