

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

DATED 19TH DECEMBER, 2008

Petition No.83(C) of 2008

(M.A.No.190 of 2008)

M/s Ravi Teja Communication Cable TV Network
Cable TV Network
H.No.18-122/1, Ashok Nagar
Miryalguda
Nalgonda Distt. - 508 207
Andhra Pradesh

... Petitioner

Versus

Eenadu TV
Usodaya Enterprises Ltd.
Television Division, Ramoji Film City
Rangareddy District
Hyderabad – 501 512

... Respondent

With

Petition No.84(C) of 2008

(M.A.No.191 of 2008)

M/s Ravi Teja Communication Cable TV Network
Cable TV Network
H.No.18-122/1, Ashok Nagar
Miryalguda, Nalgonda Distt. - 508 207
Andhra Pradesh

... Petitioner

Versus

SUN TV
(Channel Plus)
Door No.367 & 369
3rd Floor, Anna Salai
Teynampet
Chennai – 600 018

... Respondent

Petition No.85(C) of 2008

(M.A.No.192 of 2008)

M/s Ravi Teja Communication Cable TV Network
Cable TV Network
H.No.18-122/1, Ashok Nagar

Miryalguda
Nalgonda Distt. - 508 207
Andhra Pradesh

... Petitioner

Versus

MAA TV
MAA Television Network Ltd.
MRL House, 6-3-663/B
Behind Topaz Building
Panjagutta
Hyderabad – 500 082

...Respondent

BEFORE:

HON'BLE MR.JUSTICE ARUN KUMAR, CHAIRPERSON
HON'BLE DR. J. S. SARMA, MEMBER
HON'BLEMR.G. D. GAIHA, MEMBER

For Petitioner : Mr.Philemon Nongbri,Advocate for
Mrs.Vibha Datta Makhija,Advocate

For Respondent [In P.No.83(C) of 2008] : Mrs. Neelima Tripathi,Advocate
Ms.Sheetal Jasrotia, Advocate

For Respondent [In P.No.84(C) of 2008] : Ms.Shruti Ranjan, Advocate

For Respondent [In P.No.85(C) of 2008] : Mr.Y.Rajagopala Rao, Advocate

For Intervenor : Mr.G.T. Rao, Advocate

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ORDER

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1. These are 3 petitions filed by the petitioner. All the petitions are for seeking supply of signals from the respondents i.e. M/s Eenadu TV, M/s Sun TV and M/s Maa TV. The petitioner pleaded that its firm is a Multi System Operator (MSO) with Shri N Ravinder Reddy as the sole proprietor. Shri N Ravinder Reddy has also obtained a registration certificate from the Post Master, Head Post Office in Miryalguda on 25th March 2008 for running a cable television network with effect from 25th March 2008 for a period of one year or till the holder carries on

the cable service. The petitioner claims to be transmitting Free To Air (FTA) channels along with Zee bouquet pay channels. It is also pleaded that petitioner has a properly equipped control room and the petitioner vide letter dated 20th October 2007 requested the respondent for the first time to provide decoders and viewing cards for ETV and ETV2.

2. The petitioner had again taken up his case vide letter dated 10th December 2007, 8th February 2008, 23rd February 2008 and on 5th April 2008. The petitioner contends that he has submitted all the requisite documents vide letter dated 5th April 2008. After finally reminding the respondent by sending a telegram dated 15th April 2008, the petitioner has approached this Tribunal on 30th April 2008 by filing these three petitions.

3. In reply, the case of the respondent is that the petitioner is a partner in a firm by name and style of Sri Sai K.K. Cable Network, Miryalguda, Nalgonda District, Andhra Pradesh. The firm M/s Sri Sai K. K. Cable Network along with other two cable distribution network firms namely, M/s Nataraj Cable Communications and M/s Miryalguda Communication Network, has formed a syndicate by the name and style of M/s Miryalguda Cable Syndicate which has already been issued decoders and SIM cards by the respondent for supply of signals of both ETV and ETV2. It has been pleaded that from the time of formation of M/s Miryalguda Cable Syndicate, the petitioner till date continues to be a partner in Sri Sai K.K. Cable Network which is part of M/s Miryalguda Cable Syndicate. At present this Syndicate has three partners and since the petitioner is one of the partners, he is not entitled as a sole proprietor of the petitioner firm for issue of decoders and SIM Cards by the respondents since the respondents have already issued decoders to M/s Miryalguda Cable Syndicate.

4. As per the Partnership Act, “any partner of the firm acts as an agent for all the partners and is, therefore, liable to account to all”. Mohd. Hafeez Khan vs. State Transport Appellant Tribunal Gwalior (AIR 1978) MP 116 (F.B.) has given the above interpretation in regard to

“partner” of a partnership firm. The petitioner has pleaded that it is a separate entity and by no means associated with any other firm/network. The statement of the petitioner is not supported by any evidence. If the petitioner has to come out of the partnership firm he could have done it by retiring either with the consent of all partners or with a express agreement by the partners or by giving notice to all the

partners of his intention to retire. Shri N Ravinder Reddy has not taken any steps in this direction to disassociate himself from the partnership firm which has been given the decoders and SIM cards by the respondents. The respondents have strongly pleaded that since Shri N Ravinder Reddy is a sole proprietor of the petitioner firm, it will be as good as giving a second set of decoders and SIM cards to the same person in spite of the fact that the decoders have been asked for by another firm registered as a cable operator. The respondents have also pleaded that the petitioner has concealed the fact that criminal proceedings has also been initiated against Shri N Ravinder Reddy for telecasting a pirated film. This particular issue does not impress us for imposing any prohibition for seeking supply of signals to the petitioner. However, the contention by the respondent that they would not like to give the second set of decoders to Shri N Ravinder Reddy whose partnership firm has already been given set of decoders and SIM cards for the same purpose has merit.

5. It has also been brought to our notice that the agreement which the petitioner has signed with Mr M Yadagiri Reddy on 6th March 2008 has actually been signed on 18th March 2008. The signatures of Mr M Yadagiri Reddy on the agreement dated 18th March 2008 are completely different from the signatures on the agreement dated 6th March 2008. It casts aspersions on the validity of the document indicating that Mr Yadagiri Reddy as an operator is associated with the petitioner. It was also pleaded by the respondent that for the first time the application was received on 5th April 2008 with documents and, therefore, even without the completion of 60 days mandatory period the petitioner has shown undue haste in filing this petition on 30th April 2008.

6. In Petition No.83 (C) of 2008, Shri Ravi Teja Communication Cable TV Network vs. SUN TV, the petitioner has pleaded that the respondent is enhancing his business of DTH in this area and is, therefore, raising frivolous reasons for not supplying signals to the petitioner. In this case also, the petitioner has submitted the application with documents on 5th April 2008 for the first time and has chosen to file this petition on 30th April 2008 vis-a-vis giving all the necessary information to the respondent for processing its application.

7. In Petition No.85(C) of 2008 (Petitioner Vs. MAA TV), the case is almost similar as in the earlier two petitions except that some additional facts have been brought out. Respondent has pleaded that the petitioner's firm pirated the signals of the respondent and telecasted a pirated film "DESAMURU" from Damarcharala Communications, Damaracharala Village wherein Mr.N Ravinder Reddy is one of the partners. Since the copyright of the movie is solely and exclusive owned by the respondent and therefore, under the Video Piracy Act Mr.N Ravinder Reddy was arrested. The petitioner has also concealed vital information and simply by virtue declaring himself as an independent entity he does not come out of the syndicate in which he is a managing partner. Since the decoders have already been issued to M/s Miryalguda Cable Syndicate, the petitioner's firm whose sole proprietor is Mr.N Ravinder Reddy is not entitled for another set of decoders. Petitioner also pleaded that his control room has been burnt out only a few days back.

8. On the basis of the facts brought forward during the pleadings, we do not find any merit in all the three petitions for issuing direction to supply signals to the petitioner by the respondents. However, the petitioner is at liberty to approach respondent with additional information, if any justifying his case for seeking supply of signals as per Regulations.

9. The petitions along with M.A. Nos. 190 of 2008, 191 of 2008 and 192 of 2008 stand disposed of with no costs.

.....**J**
(Arun Kumar)
Chairperson

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(J.S. Sarma)
Member

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(G.D. Gaiha)
Member