TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL

NEW DELHI

DATED 28TH MAY, 2010

Petition No. 155 (C) of 2010

Tata Sky Limited … Petitioner

Vs.

ESPN Software India Pvt. Ltd. … Respondent

BEFORE:

HON'BLE MR. JUSTICE S.B. SINHA, CHAIRPERSON
HON'BLE MR. G. D. GAIHA, MEMBER
HON'BLE MR. P.K. RASTOGI, MEMBER

For Petitioner : Mr. Ramjisrinivasan, Sr. Advocate
Mr. Gopal Jain, Advocate
Mr. Kaushik Mishra, Advocate
Mr. Ankur Sood, Advocate

For Respondent : Mr. N. Ganpathy, Senior Advocate

O R D E R

P.K. Rastogi, Member

Admit.

Mr. N. Ganpathy accepts notice on behalf of the respondent. Reply may be filed within three weeks. Rejoinder thereto, if any, may be filed within two weeks thereafter.

2. Respondent had issued a notice to the petitioner demanding the amount of subscription to be paid for the period June 2008 to September 2008 and also an outstanding payment on account of short payment due to non-compliance of 7% price increase in subscription amount from 1st January, 2009 onwards. As a result of which amount of Rs.2,86,85,407/- has been due for the period 1st January, 2009 to 31st March, 2010. A public notice was also issued on 21.5.2010 for deactivation of ESPN channels through Tata Sky.

3. The Petitioner has submitted that the amount for the four months period i.e. June, 2008 to September, 2008 has already been paid in terms of the order of this Tribunal.

4. Regarding 7% increase in the subscription amount for the period 1st January, 2009 onwards, we are of the opinion that hearing of this matter including passing of an ad-interim order may await the recommendations of the TRAI in view of the fact that the TRAI has undertaken to submit its recommendations before the Supreme Court of India by 30.6.2010. In the meantime, the status quo may be maintained without prejudice to the rights and contentions of the parties.

5. This order, however, shall be subject to the condition that the petitioner at an appropriate stage of the proceedings may be put to such terms including payment of interest etc., as this Tribunal may deem fit and proper.

……, J

Sinha)
Chairperson

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(G.D. Gaiha)
Member

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(P. K. Rastogi)
Member