

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL**

**NEW DELHI**

**Dated 25<sup>th</sup> JULY, 2011**

**Petition No. 258(C) of 2011**

Solan Sat TV : Petitioner  
Vs.  
Star Den Media Services Pvt. & Anr : Respondents

**Petition No. 259(C) of 2011**

Bridge View Broadband Network Pvt. Ltd. : Petitioner  
Vs.  
Star Den Media Services Pvt. & Ors. : Respondents

**Petition No. 260(C) of 2011**

Solan Communication : Petitioner  
Vs.  
MSM Discovery India Pvt. Ltd. & Ors : Respondents

**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. Vineet Bhagat, Advocate  
Ms. Neha Jain, Advocate

For Respondent (Star Den) : Mr. Gopal Jain, Advocate  
Mr. Gaurav Juneja, Advocate  
Mr. Arjun Nataranajan, Advocate  
Ms. Garima Sharma, Advocate

For Respondent (MSM Disc.) : Mr. A.C. Mishra, Advocate

For Respondent (Zee Turner) : Mr. Tejveer Singh Bhatia, Advocate  
For Respondent (Fastway Transmission) : Mr. Navin Chawla, Advocate  
Mr. Sharath Sampath, Advocate  
Mr. Tushar Singh, Advocate

## **ORDER**

### **G. D. GAIHA**

The petitioner in these petitions has inter alia prayed for an interim order of injunction restraining the respondent no.2 in each of these petitions.

2. Fastway Transmission Pvt. Ltd. from transmitting the signals of the broadcasters, who have been arrayed as respondent no.2 in each of them matters.

3. Indisputably respondent no.2 has not entered into any agreement with the broadcasters for the purpose of retransmission of the signals of their channels.

4. The petitioner, however, contends that despite the fact that respondent no.2 in law is not entitled to carry on any business as a Multi Service Operator, it has been supplying signals of the channels of the broadcasters.

5. The respondent no.2, however, contends that it had not been retransmitting signals of the broadcasters, and thus, has not resorted to any

act of piracy. The petitioner has produced a CD before us to show that indeed the said respondent had been committing the acts of piracy.

6. The respective submissions of the learned counsel have been noticed by us in our order dated 30.5.2011. The matter was heard on 3.6.2011.

7. Thereafter, an additional CD has also been produced. The said CD has been seen. We find that in one of the CDs, there is only a running view of one of the market places which does not even indicate the City in which the market is located. In another CD also, we find a view of market place again, which indicates the place 'Shimla' in one of the sign boards. However, we do not find any indication as to how these CD's are to prove the showing the signals of the Respondent No.2, i.e. Fastway Transmission Pvt. Ltd, as also the signals of the Star Den Media Services also through Respondent No.2 in the network of the petitioner to the residents of Shimla. These CDs, therefore, do not go to prove anything in regard to piracy of the signals by Respondent No.2 in the area of the petitioner.

8. We, therefore, are not in a position to confirm the contention of the petitioner that the Respondent No.2 is unauthorisedly transmitting signals in the area of the petitioner without signing legitimate agreements various broadcasters who are Respondent No.1 in these petitions. The allegation of the petitioner against the Respondent No.2 that it has indulged in an act of piracy, therefore is not supported by these CDs. The production of these CDs before us by filing an additional affidavit is a sheer waste of time and we, therefore, deprecate such tendency of filing CDs without proving any substantial facts or supplementing the contentions of the petitioner.

9. Keeping in view the observations made in the accompanying order as also in view of the fact that the respondents categorically deny and dispute commission of any act of piracy, it is not possible to arrive at a firm conclusion that the petitioner has committed acts of piracy.

10. It is, however, not denied or disputed that the respondent no.2 cannot in law without entering into any agreement with the broadcasters cannot retransmit signals of their channels.

11. In view of the fact that no such agreement has been entered into, the question of the respondent's no.2 being entitled to do so does not arise.

12. In that view of the matter, interest of justice would be sub-served if the interim prayers made by the petitioner is disposed of with an observation that the respondent no.2 would not retransmit the signals of the channels of the broadcasters without entering into agreements with them.

.....,J  
**(S.B. Sinha)**  
**Chairperson**

.....  
**(G.D. Gaiha)**  
**Member**

.....  
**(P.K. Rastogi)**  
**Member**

*HKC/'ns'*