

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

**Dated 8.2.2012**

**Petition No.347 (C)/2011**

M/s Harika Cable Vision, Tenali

... Petitioner

Vs.

M/s Ushodaya Enterprises Pvt. Ltd, Hyderabad

... Respondent

**BEFORE:**

**HON'BLE MR. JUSTICE S.B. SINHA, CHAIRPERSON**

**HON'BLE MR.P.K. RASTOGI, MEMBER**

For Petitioner : Mr.Yoginder Handoo, Advocate

For Respondent : Mr.Balaji Srinivasan, Advocate

## J U D G M E N T

### S.B. Sinha

In this petition the Petitioner questions the legality and/or validity of a notice dated 1.7.2011 and a public notice dated 5.8.2011, issued under Clauses 4.1 and 4.3 of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (The Regulations).

The fact of the matter having been noticed by us in Petition No.400 (C)/2010, the same may not be reiterated.

The impugned notice dated 1.7.2011 reads as under: -

“Even after repeated requests/ demands you have failed to stop transgressing into the areas of i.e. Manchikalapudi, Sivaluru, Siripuram, Pidaparru, Kancharlapalem, Nelapadu, Eerukalapudi, Bodduluripadu Alapadu, Mandur, Ambedkarnagar, Pedapudi, Vamanaguntavaripalem Buthumalli, Champadu villages and other areas in Tenali town at Guntur District which is beyond your network areas as mentioned in the subscription agreement and you are un-authorisedly transmitting the signals of ETV and ETV-2 channels beyond the areas, which you are not authorized to do.”

According to the Petitioner it has not transgressed its area of operation. Moreover in Petition No.400 (C)/2010, we found that the Respondent could not prove any act of transgression of areas on the part of the Petitioner.

Moreover, the Petitioner in para 22 of the petition has raised a contention that the public notice dated 5.8.2011 under Clause 4.3 of the Regulation was published only in one newspaper.

Respondent in its reply did not deny or dispute the said contention.

In that view of the matter, the impugned notice and the public notice cannot be sustained. They are set aside accordingly.

This petition is allowed without any order as to costs.

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

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

**February 8, 2012**  
**`ns'**