

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

**Dated 11<sup>th</sup> July, 2012**

**PETITION No. 263(C) of 2011**

Ustav Communication Pvt, Ltd. ...Petitioner

Vs

M/s Star Den Media Services Pvt. Ltd. & Anr. ...Respondents

**BEFORE:**

**HON'BLE MR.JUSTICE S.B. SINHA, CHAIRPERSON  
HON'BLE MR. P.K. RASTOGI, MEMBER**

For Petitioner :Mr.Vineet Bhagat,Advocate  
:Ms. Neha Jain,Advocate

For Respondent No.2 – Media :Mr.Saurabh  
Srivastava,Advocate

**ORDER**

In terms of our order dated 13.02.2012, the Petitioner was to supply the full details of the LCOs proposed to be served by it alongwith their addresses, area of operation, contact numbers as also its subscriber base within a period of one week. Thereafter, the

Respondent was to verify the data submitted to it within 10 days thereafter.

2. On receipt of the details about the LCOs, the Respondent got the same verified and filed an affidavit on 12.04.2012 alongwith one CD.

3. On behalf of the Respondent one, Shri Amrendra Singh, S/o Mr. R. Singh has affirmed an affidavit stating that he personally visited the following three LCOs at the address provided by the Petitioner :

- (i) Multi Vision Cable  
Nishan Tower, s-3, Plot No. T/6  
Punjabi Bagh, Bhopal
- (ii) Rai communication  
04, Visvenath Mandir Pariser  
Shivaji Nagar, Bhopal (MP)
- (iii) Tinishq Communication Private Limited  
21, Sagar Royal Home  
Hoshangabad Road, Bhopal (MP)

He further stated that he had been informed by the persons available there that cable operations had not been carrying out any operation in these places. Further, he stated that the 4<sup>th</sup> LCO Radhika

Communication does not exist and he personally tried to locate the address but however, failed to locate the same.

4. The Petitioner also filed an affidavit alongwith a CD on 30.04.2012. Mr. Anand Kumar Persaniya, the authorized signatory of the Petitioner stated in his affidavit that Radhika Communication is a proprietorship concern of Ms. Ragini Srivastava having office at B-14, BDA Colony, Shivaji Nagar, Bhopal and is also easily traceable.

5. He has also filed an affidavit affirmed Mr. Daljeet Singh wherein he has clearly stated that he is a LCO of the petitioner and showing only FTA channels. He further stated that the respondent no. 2 has not verified the details properly and he made a recording on 30.04.2012 to show that the LCO mentioned in the SLR given by us exist having registration certificate from the Head Post Office and are easily traceable and already transmitting signals.

6. These CDs submitted by both the parties have been seen by Mr. D. P. De, Advisor of this Tribunal and he has submitted a report. According to him, it is difficult to conclusively establish the presence

or absence of LCOs from the contents of the CD/DVD furnished by the respondent due to the following reasons :

- (i) Although some name boards are shown in the recordings, however, complete details of location and address proof is not displayed.
- (ii) Identities of the persons from whom enquiries have been made is not established.

With regard to the Petitioner's CD, it appears that the CD is recording of head ends, antenna etc. only.

7. In view of the above facts we are of the opinion that as the CDs do not give any indication whether these list of LCOs submitted by Petitioner and Respondent exist or not, the issue can be settled out only by the visit of Court Commissioner.

8. Therefore, we hereby appoint Shri Sharath Sampath, Advocate as a Commissioner to visit the area in question and find out as to whether the list of cable operators as submitted by the Petitioner do exist and have been running the cable business and retransmits 'Free to Air Channel' as contended by the Petitioner. The report may be

submitted within 10 days. The parties shall bear in equal proportion, the expenses incurred by the learned counsel as also his fess, which is fixed at Rs. 10,000/-.

9. Put up this matter after 2 weeks for direction.

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

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

K.D.