

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

**Dated 18<sup>th</sup> February, 2013**

**Petition No.75 (C) of 2013**

Kal Cables Pvt. Ltd. ... Petitioner

Vs.

Union of India ... Respondent

**BEFORE:**

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

For Petitioner : Mr. Maninder Singh, Sr. Advocate  
Mr. Yoginder Handoo, Advocate

For Respondent : None

**ORDER**

The Petitioner in this petition is a licensee for providing internet services by way of licence agreement dated 14.12.2009 for the service area of Chennai. The Petitioner has filed this petition against the provisional assessment demand raised by the Respondent for the year 2009-2010, 2010-2011 and 2011-2012 by letter dated 15.01.2013. Again by its letter dated 07.02.2013, the Respondent has written to the Petitioner that it should pay the demand of licence fee by 15.02.2013 failing which action for invocation of the bank guarantees will be initiated as per clause 21.5 of the licence agreement which

will lead to termination of licence.

2. The Petitioner states that the notice on DoT was served on 14.02.2013. Nobody appears on behalf of the Respondent. The Petitioner may take fresh steps to serve the notice on the Respondent again.

3. The Petitioner submits that income of the Respondent, as submitted to the Respondent, relates to other business of the Respondent as a MSO and Cable TV Operator and it has not started its internet operation so far. As the Respondent has not commenced its internet operation, no amount will be payable to the Respondent as licence fees.

4. The Respondent further submits that in terms of clause 17 of the said licence conditions, a minimum fees of Rs.10,000/- per year is to be paid for category 'B' service areas which has been paid by it.

5. There is a need to hear the Respondent. Therefore, notice may be issued to the Respondent to file its reply within two weeks. Rejoinder may be filed within one week thereafter.

Put up for hearing on the interim prayer on 21.3.2013.

6. However, as it is stated by the Petitioner that it has not started its internet operation so far and the entire revenue generated by the company relates to the income as MSO which has no connection with the internet service. It is, therefore, directed that pending hearing on the interim prayer of the Petitioner, no coercive action will be taken by the Respondent to enforce its demand.

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

rkc