

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

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

**M.A. No. 48 of 2013 and M.A. No. 49 of 2013**

**In**

**Petition No. 379 (C) of 2011**

**Aamar Cable Entertainment Pvt. Ltd. ... Petitioner**

**Vs.**

**MSM Discovery Pvt. Ltd. ... Respondent**

**BEFORE:**

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

For Petitioner : Mr. Robin Majumdar, Advocate

For Respondent : Mr. Thakur, Advocate

**ORDER**

The Respondent vide its letter dated 10.01.2013 has issued a notice under clause 4.1 for non-payment of dues by the Petitioner. It has raised demand of Rs.7,74,221/- as on 31.12.2012. A public notice under clause 4.3

also has been issued on 31.01.2013 for disconnecting the signals of the Petitioner.

2. It is noticed that the main petition filed by the Petitioner were heard finally by a Bench of this Tribunal and reserved the matter for judgment. But, judgment could not be delivered due to retirement of one of the Members of the Bench. This matter has been on the Board of this Tribunal for final hearing.

3. When the matter is for final hearing of this Tribunal, the Respondents should not have issued disconnection notice to the Petitioner pending adjudication by this Tribunal.

4. Mr. Thakur, learned counsel appearing on behalf of the Respondent states that these M.A.s – one for contempt and the other for staying the operation of the notice under clause 4.1 and 4.3 should not be maintained as M.A.s The Petitioner should have filed the separate petition as the notices under clause 4.1 and 4.3 have been issued on 10.01.2013 and 31.01.2013 and there is a fresh cause of action.

Mr. Thakur further states that the Petitioner is not paying the amount of subscription fees; rather it is paying the subscription fees on ad-hoc basis. The

Petitioner states that it is paying the subscription fees as it was paying earlier and it will continue to pay the same.

5. It is noticed that this particular petition has been badly delayed due to various reasons and there is a need to have a final adjudication in the matter. Therefore, it is required that final hearing in this matter should be expedited and should be put on top of the list for hearing whenever the Bench is constituted.

However, I am of the view that when the matter is pending in this Tribunal for adjudication, the Respondent should not resort to disconnection of the signals without leave of this Tribunal. Accordingly, it is directed that pending hearing on the interim prayer made by the Petitioner, the Respondent will not give effect to its disconnection notices.

6. The Respondent may file its reply to these two M.A.s within two weeks. Rejoinder, if any, be filed within one week thereafter. Put up on 21.3.2013 under the heading "for orders".

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

rkc