

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

**Dated 22<sup>nd</sup> January, 2014**

**Petition No. 121(C) of 2013**

**M/s. Hathway Cable & Datacom Ltd. ... Petitioner**

**Vs.**

**M/s. Sai Pooja Cable ... Respondent**

**BEFORE:**

**HON'BLE MR. KULDIP SINGH, MEMBER**

For Petitioner : Ms. Nasir Husain, Advocate

For Respondent : None

**ORDER**

**KULDIP SINGH**

It is a recovery petition for a sum of Rs.3,63,068/-. The petitioner – M/s. Hathway Cable & Datacom Ltd. is a Multi Systems Operator engaged in the business of reception and distribution of satellite television, broadcast signals etc. to various distributors, franchises, local cable operators. The respondent – M/s. Sai Pooja Cable is a local cable operator, which is a proprietorship concern owned by Mr. Manohar Sawant having its office at P.R. Tiwari Chawl, R. No. 16, Raghunath Nagar, Wagle Estate, Thane-400604, Maharashtra.

2. The respondent has not appeared in spite of notice and several opportunities granted to it. In view of that the matter has been heard ex-parte.

3. The summary of the petitioner's case is as under :-

- (i) The respondent on the mutually accepted terms and conditions viz. mutually negotiated prices of individual channels/bouquets of channels and subscriber base, entered into understanding/oral agreement with petitioner for supply of signals to its subscribers;
- (ii) Thus, in terms of the aforesaid understanding/oral agreement, the petitioner raised invoices which were duly received by the respondent without any protest or demur. However, against the invoices raised the respondent made part payments only and from the very inception the respondent has been a regular and chronic defaulter in discharging its liabilities;
- (iii) The petitioner on 25.07.2012 sent the Demand Letter/Notice along with the invoice dated 01.07.2012 demanding to clear the outstanding of Rs.3,23,629.51 to the respondent, but to no avail.

4. In support of its case the petitioner has annexed copies of invoices raised from the month of December, 2011 till October 2012 with the petition (Exhibited

as PW-1/1 (Colly) at page 8-18 of the Paper Book). The petitioner has also annexed the statement of accounts as Annexure P-2, as per which there is an outstanding of Rs.3,63,068/- as on 30.10.2012 after accounting for the payments received from the respondent. A copy of the notice issued dated 25.7.2012 in terms of Clause 4.1 of the Interconnect Regulations to Mr. Manohar Sawant has also been annexed as Annexure PW-1/3. A certificate in support of delivery of this notice from the postal authorities is also annexed with the petition.

5. In support of the averments and the documents, the evidence by way of affidavit of Mr. Ram Prakash, who is working as authorized representative of the petitioner company, has been submitted.

6. Hearing the counsel for the petitioner and a perusal of the documents shows that there is an outstanding of Rs.3,23,629.51 as on July, 2012 when the notice under Clause 4.1 of the Interconnect Regulations is issued on 25.7.2012. The notice period is three weeks in terms of Clause 4.1 of the Regulations. Accordingly, the respondent is liable to pay the subscription amount only till August, 2012. No subscription amount can be claimed by the petitioner for September and October 2012 which is after the expiry period of the notice. The outstanding amount on August, 2012 accordingly is, Rs.3,23,629/- plus

subscription for the month of August, 2012 which is Rs.13,146/- . The total amount comes to Rs.3,36,775/-.

7. In the facts and circumstances of this case, I am of the opinion that the interest of justice shall be sub-served, if the respondent is directed to pay this amount of Rs.3,36,775/- to the petitioner along with interest at the rate of nine percent per annum. The respondent furthermore shall also be liable to pay interest at the same rate pendente lite and future till realization.

8. This petition is decreed to the extent mentioned hereinbefore. There shall be no order as to costs.

.....  
**(Kuldip Singh)**  
**Member**

rkc