

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

Dated 23rd January, 2014

Petition No. 526 (C)of 2012

M/s Ravi Teja Communication Networks ...Petitioner

Vs.

M/s Eenadu Television Private Ltd. ...Respondent

BEFORE:

HON'BLE MR. KULDIP SINGH, MEMBER

For Petitioner : Mr. Sunder Khatri, Advocate

For Respondent : Mr. K.Vijay Kumar, Advocate

ORDER

The petitioner M/s. Ravi Teja Communication Networks is a registered cable operator in the area Miryalguda situated at H. No.18-1028/A, Shivaji Nagar, Miryalguda-508207, Nalgonda Dist. (A.P.). The respondent M/s. Eenadu Television Private Ltd. is a broadcaster and a distributor of ETV Group of channels namely ETV & ETV 2.

Desirous of obtaining the signals of the respondent, the petitioner approached the respondent and aggrieved by its failure to get the signals, filed the present petition.

2. **Summary of the petition :**

- (i) Vide letter dated 20.3.2012 the petitioner requested the respondent to supply signals of ETV and ETV 2 channels. Subsequently vide letter dated 06.7.2012, various documents were submitted by the petitioner to the respondent. A copy of the letter is annexed as Annexure P-3 (page 15 & 16 of the Paper Book) and the relevant portion of the same is as under :-

“Dear Sir,

We hereby submitting the following documents containing entire details of our network with documentary proof for the same :-

- 1. Postal Registration Certificate vide its No. 191 valid upto 02.07.2013 and Postal Registration of other linked operators vide its Registration No. 193 valid upto 02.07.2013 and C. No. 192 valid upto 07.07.2013.*
- 2. Pole permission dtd. 04.07.2012 vide Diary No. 148/2012 issued by Central Power Distribution Company of A.P. Ltd. for utilization of poles in Miryalguda.*
- 3. Details of equipments of our control room/Head-End containing all relevant informations.*
- 4. Organizational Chart of our network.*
- 5. Municipality License vide its No. S1/593/MM/2012 dtd. 03.07.2012.*
- 6. List of Free to Air channel of our network.*

7. *Copy of SLR of our network and other two linked operators containing total numbers of customers 500 approx.*
8. *Area Map specifically marked the location of nodes/amplifiers/splitters and their distances.*
9. *Copy of Invoice raised by Media Pro.*
10. *Commercial Tax Department for the payment of Entertainment Tax.*

We are enclosing all necessary documents to pursue our request to supply the signals to our network.

We also would like to request you not to delay our request and you are free to visit our network with prior intimation.

You are requested to proceed for execution of an agreement.

Prompt action will highly be appreciated.”

- (ii) The petitioner has annexed the Registration Certificate of two LCOs namely, Ganesh Cable Network and SAI Cable TV Network along with a list giving particulars of their subscribers. (page 17-23 of the Paper Book). The petitioner has also annexed a list of subscribers proposed to be directly served by it.
- (iii) Mr. Sunder Khatri, learned counsel appearing for the petitioner submitted that the petitioner already has signals of M/s. Media Pro Enterprise and in support of that he

referred to a copy of invoice dated 04.5.2012 from M/s. Media Pro.

- (iv) Annexure P-9 (page 44 of the Paper Book) is a demand letter from Central Power Distribution Company of A.P. Ltd. for running of cable wires on 30 electrical poles and page 45 of the Paper Book is a copy of the demand draft vide which the payment was made.

- (v) Learned counsel for the petitioner submitted that though Mr. N. Ravinder Reddy is the proprietor of M/s. Ravi Teja Communication Networks, the Registration Certificate, which was earlier in the name of Mr. N. Ravinder Reddy has subsequently been changed in the name of M/s. Ravi Teja Communication Networks and a copy of the same is annexed as Annexure R-1 (page 61 of the Paper Book).

He further submitted that a meeting was held between Mr. N. Ravinder Reddy and the representative of the respondent in pursuance of the order of the Tribunal on 04.9.2012 [minutes of the meeting at page 62-63 of the Paper Book].

Mr. Khatri cited judgment of the Tribunal in M/s Ravi Teja Communication Vs. Zee Turner Ltd. [Petition No. 70 (C) of 2010] and submitted that in similar circumstances, the respondent therein was asked to supply its signals to the petitioner.

3. Mr. Vijay Kumar, learned counsel appearing for the respondent made the following submissions :-

- (i) The parties mentioned in the petition and the Registration Certificate are different. The petition is filed by M/s. Ravi Teja Communication Networks, whereas the Registration Certificate is in the name of Mr. Nulaka Ravinder Reddy. He further submitted that the invoice raised by M/s. Media Pro is addressed to M/s. Ravi Teja communication whereas the petitioner is Ravi Teja Communication Networks;
- (ii) The petitioner has not filed any document regarding its having pole permission; Mr. Vijay Kumar relied on the judgment of the Tribunal in Siddhi Digital Services Vs. ESPN Software India (P) Ltd. in Petition No. 336(C) of 2012 and argued that such pole permission is a mandatory requirement.
- (iii) The equipment is not BIS certified;

(iv) The SLR given by the petitioner is not correct.

4. With regard to the submissions made by the respondent regarding the parties being different, though the name mentioned in the Registration Certificate is Mr. Nulaka Ravinder Reddy, it is seen that he is the proprietor of M/s. Ravi Teja Communication Networks. It is also seen that a meeting was held between Mr. N. Ravinder Reddy on behalf of the petitioner and the respondent herein on 04.9.2012 wherein one Mr. Ch. Ravi Kumar, Sr. Executive was present from the respondent side (Page 62 of the Paper Book). Further, admittedly the Registration Certificate has been corrected on 01.10.2012 in the name of M/s. Ravi Teja Communication Networks. The address mentioned in both the Registration Certificates is also the same as House No. 18-1028/A, Shivaji Nagar, Miryalguda, Nalgonda.

As regards the invoice raised by M/s. Media Pro, the learned counsel for the petitioner stated that M/s. Ravi Teja Communication and Ravi Teja Communication Networks are same and the omission of the word “networks” on the invoice is only a typographical error. In support, he drew my attention to the fact that the invoice also mentions the name of Mr. N. Ravinder Reddy, Ashok Nagar, Miryalguda, Nalgonda.

5. With regard to the pole permission, the demand raised by the Central Power Distribution Company of A.P. Ltd. (page 44 of the Paper Book) was duly met as per copy of receipt at page 45 of the Paper Book. The letter clearly mentioned that on inspection, 30 numbers of electrical poles are found utilizing the cable network. The demand was accordingly raised and met. Therefore, I am convinced that the petitioner has the necessary pole permission.

6. Regarding the equipment not being BIS certified, the requirement in this regard is that equipment should be BIS compliant. This issue of equipment not being BIS certified/compliant was not raised by the respondent in its pleadings. Further, considering that M/s. Media Pro, who is another broadcaster, is supplying signals to the petitioner, I am not convinced with the submissions made in this regard by the Ld. Counsel for the respondent at the time of hearing.

7. As regards the subscriber base, the petitioner has given full details of the same along with the Registration Certificate of its two LCOs as well as verifiable details of the subscribers, which are available from page 17-32 of the Paper Book. The respondent had every opportunity to verify the same but chose not to do so. The petitioner has submitted that it has connectivity of approximately 500 subscribers/customers.

8. From the documents on record, I am convinced that the petitioner has made out its case for supply of the signals by the respondent. Accordingly, it is directed as under :-

- (i) The respondent shall enter into an agreement with the petitioner for supply of signals of ETV and ETV-2 channels to the petitioner's network within two weeks;
- (ii) The agreement shall be entered into for the areas as given in the map at Annexure P-8 [page 37 of the Paper Book] with SLR of 500.

9. The petition is allowed with the above directions. There will be no order as to costs.

.....
(Kuldip Singh)
Member

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