

TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI

Dated 25th May, 2016

Broadcasting Petition No.545 of 2015

IN Cable Transmissions Pvt. Ltd. ... Petitioner

Vs.

Sai Prasad Media Private Ltd. ... Respondent

BEFORE:

HON'BLE MR. JUSTICE AFTAB ALAM, CHAIRPERSON

HON'BLE MR. B.B. SRIVASTAVA, MEMBER

For Petitioners : Ms. Disha Sachdeva, Advocate

For Respondent : None

ORDER

By B.B. Srivastava, Member

The petitioner, IN Cable Transmissions Pvt. Ltd., a Multi System Operator (MSO) in the business of retransmission of channel signals of various broadcasters to customers through its affiliate cable operators, has filed this petition seeking order/decreed in its favour and against the respondent M/s. Sai Prasad Media Pvt. Ltd., a broadcaster, within the meaning of Interconnect Regulations, of TV channels including interalia "News Express".

The petitioner alleges nonpayment of Rs. 11,38,105/- by the respondent, being the outstanding channel placement charges/carriage fee for placement/carrying the respondent's TV channel "News Express" on agreed

band/frequency on the petitioner's cable TV networks. It also seeks order awarding interest @ 18% on the due amount till the date of payment by the respondent.

The case of the petitioner is that it entered into a channel placement agreement, for placement of channel "News Express" of the respondent, on 27.9.2013 for the period 15.7.2013 to 14.7.2013. The respondent was required to pay an amount of Rs. 52,80,000/- excluding taxes; in four installments on receipt of invoices. The petitioner has averred that it fulfilled all obligations on its part as per the agreement. However, the respondent failed to make payments to the petitioner for placement/carriage charges as per agreement. It has also been stated that invoices towards payment of placement charges/carriage fee in accordance with agreement were raised on the respondent; however, only part payments were made in violation of terms of agreement. It has been further submitted that partial payment/nonpayment of invoiced amounts resulted in an outstanding due of Rs. 11,38,105/- as per petitioner's books of accounts. The petitioner has stated that the respondent was requested and regularly reminded for payment of outstanding amount; however of no avail. Copies of the agreement, invoices dated 7.4.2014, the ledger account of the petitioner, letter dated 10.8.2015

respondent has not only defaulted in fulfilling its financial obligations but has also not pleaded and pursued its case before the Tribunal thereby lending credence to petitioner's averments.

In view of the above, the petition is allowed and the respondent is ordered to pay the amount of Rs. 11,38,105/- along with interest @8% till the date of final payment of the amount.

There will be no order as to costs.

(Aftab Alam)
Chairperson

(B.B. Srivastava)
Member

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