

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

Dated 2nd September , 2014

Petition No.761(C) of 2012

Media Pro Enterprise India Pvt. Ltd.Petitioner
Vs.
Star Cable Television Network (Vilupuram)Respondent

Petition No.766(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Cuddalore Sat System (Cuddalore)Respondent

Petition No.767(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Chakra Channels (Madurai)Respondent

Petition No.769(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Skyland Cable Network (Cuddalore)Respondent

Petition No.773(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Samayanayaki Cable Vision (Virudhunagar)Respondent

Petition No.776(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Power Cable Network (Mathuranthagam)Respondent

Petition No.782(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Metro TV (Tiruchirapalli)Respondent

Petition No.786(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Ragavendra Cable Network (Marakannam)Respondent

Petition No.788(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
Metro TV (Tiruchirapalli)Respondent

Petition No.789(C) of 2012

Media Pro Enterprise India Pvt. Ltd.PetitionerVs.
SMW Cable (Khammam)Respondent

BEFORE:

HON'BLE MR. KULDIP SINGH, MEMBER

For Petitioner : Mr. Upender Thakur and
Mr. Yatin Grover, Advocates
for Singh & Singh Law Firms LLP

For Respondents : None

ORDER

Petitions in the above batch are for recovery of subscription amounts. The petitioner, M/s. Media Pro Enterprises India Pvt. Ltd., is a content aggregator and acts as an agent/distributor of various broadcasters. The respondents are Multi Systems Operators and subscribe to the signals/channels of the petitioner and in turn distribute the same to the subscribers.

2. The case of the petitioner is that with effect from 01.7.2011, the petitioner has taken over distribution of the channels of M/s. Star Den Media Services Pvt. Ltd. and M/s. Zee Turner Ltd. who have also authorized the petitioner to collect the outstanding dues on their behalf from the respondents. The respondents had entered into agreements with Star Den. ¹ The petitioner has from time to time raised invoices on the respondents for payment of monthly subscription fee as well as the payment towards old outstanding dues. The respondents even after receiving the invoices, have failed to clear the outstanding dues.

3. No one appeared for the respondents despite service of notice nor was any reply filed on behalf of the respondents to controvert the statements and allegations made in the petition. The petition, therefore, proceeded ex-parte.

4. The petitioner has adduced evidence by way of affidavit of Mr. Amiya Ranjan Pati working as Deputy General Manager with the petitioner and has also produced the witness before the Tribunal for examination. The witness identified the subscription agreements as Exhibit PW1/1, copies of invoices as Exhibit

¹ Details of the agreements as per the petitioner are tabulated in Table 1.

PW1/2(Colly) and ledger accounts showing the outstanding payable by the respondents as Exhibit PW1/3(Colly). The details of agreements and outstanding are under:

Table 1 : details of agreements and outstanding.

S. N o.	Petition No.	Title	Date of Agreement	Validity Period	Monthly Subscription fee	Total Outstanding Dues
1.	P 761(C)/2012	Media Pro Enterprise India Pvt. Ltd. vs. Star Cable Television Network (Villupuram)	06.05.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 61,236.44	Rs.3,41,917.53
2.	P 766(C)/2012	Media Pro Enterprise India Pvt. Ltd. vs. Cuddalore Sat System (Cuddalore)	23.04.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 34496.80	Rs.1,25,326.93
3.	P 767(C)/2012	Media Pro Enterprise India Pvt. Ltd. vs. Chakra Channels (Madurai)	30.05.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 19563.83 from 1.1.2011 Rs. 19938.82 From 1.4.2011	Rs.1,18,101.06
4	P 769(C)/2012	Media Pro Enterprise India Pvt. Ltd. vs. Skyland Cable Network (Cuddalore)	08.06.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 22256	Rs.84,981.75
S. N o.	Petition No.	Title	Date of Agreement	Validity Period	Monthly Subscription excluding taxes	Total Outstanding Dues

5.	P 773(C)/ 2012	Media Pro Enterprise India Pvt. Ltd. vs. Samayanayaki Cable Vision (Virudhunagar)	02.05.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 6294.85	Rs.52,982.51
6.	P 776(C)/ 2012	Media Pro Enterprise India Pvt. Ltd. vs. Power Cable Network (Madhuranthagam)	16.04.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 61,302.50	Rs.4,43,546.08
7.	P 782(C)/ 2012	Media Pro Enterprise India Pvt. Ltd. vs. Metro TV (Tiruchirapalli)	03.06.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs.35108.84 From 1.1.2011 Rs. 26,039.52 From 1.4.2011	Rs.1,95,039.53
8	P 786(C)/ 2012	Media Pro Enterprise India Pvt. Ltd. vs. Ragavendra Cable Network (Marakannam)	05.04.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 15803.90	Rs.1,00,235.38
9	P 788(C)/ 2012	Media Pro Enterprise India Pvt. Ltd. vs. Metro TV (Tiruchirapalli)	10.05.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 14299.48 from 1.1.2011 Rs. 15301 from 1.5.2011	Rs.78,998.61
10	P 789(C)/ 2012	Media Pro Enterprise India Pvt. Ltd. vs. SMV Cable (Khammam)	01.06.2011 (with Star Den) Exhibit PW1/1	01.01.2011 to 31.12.2011 (Star Den)	Rs. 10682.88	Rs.44,322.18

5. In the facts and circumstances of this batch of cases, the petitions are allowed to the extent of amounts mentioned in column no. 7 [Total Outstanding Dues] of table 1. The office is directed to draw decrees against the respondents for amounts mentioned against them. These amounts will be receivable by the

petitioner along with interest @ 18% from 1 October 2011 till the date of filing of the petitions. The decretal amount shall further carry interest @ 9% per annum from the date of filing of the petition till realization of the decretal amount.

There will be no order as to costs.

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(Kuldip Singh)

Member

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