

TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL

NEW DELHI

Dated 06th February 2026

RA/9/2023

IN

BROADCASTING PETITION/617/2016

Intermedia Cable Communication Pvt. Ltd. Petitioner(s)

Versus

Sahara India TV Network Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE RAM KRISHNA GAUTAM, MEMBER

For Petitioner : Mr. Aditya Vaibhav Singh, Advocate
(Original Petitioner)

For Respondent : Mr. Mahabir Singh, Sr. Advocate
Mr. Gautam Talukdar, Advocate
Mr Vijay Kumar (Review Applicant)

JUDGMENT

1. This Review Application has been filed by Review Applicant – Sahara India TV Network, against the impugned judgment and order, dated 13.09.2023, passed in Broadcasting Petition No. 617 of 2016, with this

contention that while passing impugned order dated, 13.09.2023, Tribunal failed to take note of the submissions made during the course of argument, upon the pleadings and reply in above petition. Rather, it relied upon certain orders passed by Hon'ble High Court in Writ Petition (C) No. 7631 of 2013, and documents, which were admittedly, never part of the petition, nor were given opportunity for perusal and arguments by respondent over them. The very distinction between the 'Tribunal' and 'Court' was not taken into consideration, while taking judicial notice, as mentioned in the order, dated 13.09.2023. The Tribunal failed to take the procedures, laid down under the TRAI Act. The jurisdiction and maintainability was challenged and it was decided without legal finding over it. Impugned judgment and order dated, 13.09.2023 suffers from grave and palpable errors, apparent on the face of record. The very fact of being a 'Licensee' or a 'Service Provider' within the meaning of Section 2(e) and (j) of TRAI Act, to maintain the petition maintainable under section 14 and 14A of TRAI Act, could not be proved by the petitioner. The maintainability was very well challenged since the beginning. But reliance upon certain Writ Petition, which was never pleaded by the petitioner, was made by Tribunal, in arbitrary exercise of judicial power, and in complete violation of Principle of Natural Justice (PNJ). The documents,

which were not on the record, on the date of argument that is 10.08.2023, when judgment was reserved, were not in the knowledge of 'Review Applicant', but were filed subsequently, and were taken in account and judgment, dated 13.09.2023, is with discussion and reliance of those documents. Hence, the very Principle of Natural Justice, could not be followed and error apparent on the face of record is there. Hence, this Review Application, is with above prayer, for recalling the impugned judgment and order, dated 13.09.2023.

2. This was replied by Original Petitioner – present Objector, with this contention that instant Review Application, is an abuse of process of law, because there is no error apparent on face of record. Whereas, Review would lie, inter alia, when the order suffers from the error apparent on the face of record and permitting the same to continue would lead to the failure of justice. Tribunal, in its judgment, has discussed the facts and law placed before it, and judgment had been assailed on merit, in this so called Review Application. Hence, the request is for dismissal of this Review Application.
3. Rejoinder, with reiteration of the contention of Review Application and denial of objection, annexing citations written in it have been filed.

4. Heard learned counsel for both sides and gone through the material placed on record.
5. Learned senior counsel, Mr. Mahabir Singh, assisted by a junior counsel, had fairly admitted the very narrow scope of Review, given in Code of Civil Procedure (CPC) and propounded in catena of judgments of Hon'ble Apex Court as well as Hon'ble High Courts.
6. The law laid down by Hon'ble Apex Court in Rajender Kumar Vs Rambhai (2002) SCC Online SC 478, as well as laid down in SLP (C) No. 12787 OF 2025] Malleeswari Vs K. Suguna and Anr, has been admitted by both side with admitting that; Grounds for Review are –
 - (i) The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.
 - (ii) Mistake or error apparent on the face of the record may be invoked, if there is, something more than a mere error, and it must be the one which is manifest on the face of the

record. Such an error is a patent error and not a mere wrong decision. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.

- (iii) The phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories, which court thinks with regard to failure of justice.

7. In the present case, only argument is with regard to giving reliance and taking note of the regulation of concerned Union Government department with regard to inclusion of 'Service Provider' category of petitioner, as well as order of Hon'ble High Court passed in some Writ Petition, which were taken note of by this Tribunal in the judgment and order and those documents were not on record at the time of conclusion of arguments and reserve of the file for judgment on 10.08.2023. But, they were filed subsequently, without any opportunity of rebuttal by Review Applicant, and were taken note by this Tribunal, which was not

with jurisdiction, as was given with regard to Constitutional Courts i.e. Writ Courts as well as Civil Courts, in course of administration of justice, but, being the Tribunal, exercising a judicial function, under statutory Act, with its own adjudication proceeding and not bound by strict adherence of Code of Civil Procedure.

8. The very contention in Review Application, as well as the argument raised by Learned counsel for Review Applicant is of the nature of argument, appearing to be the argument made before Appellate Court, against the impugned judgment, and not in the periphery of narrow scope of Review, given under Code of Civil Procedure. This Tribunal, after hearing in detail, and perusing the documents, had passed the impugned judgment after considered opinion with all reasoning in judicial capability and conscience of this Presiding Judge of this Tribunal. The arguments, being advanced regarding the judgment, impugned in this Review, may be heard and decided by Hon'ble Appellate Court in any Appeal against this judgment.
9. There is no error apparent on the face of record, nor defiance of Principle of Natural Justice, nor anything new discovered or sought for permitting any interference in Review jurisdiction by this Tribunal.

10. Accordingly, this Review Application merits its dismissal.

11. Dismissed as such.

.....
(Justice Ram Krishna Gautam)
Member

/NC/

