

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

Dated 10th October, 2014

MA No. 251 of 2014

in

Petition No. 231(C) of 2014

M/s Sri Sumangali Digital Communication India
Pvt. Ltd., Gulbarga, Karnataka

... Petitioner

Vs.

SUN Distribution Services Pvt. Ltd. & Anr.

... Respondents

BEFORE:

HON'BLE MR. JUSTICE AFTAB ALAM, CHAIRPERSON

HON'BLE MR. KULDIP SINGH, MEMBER

For Petitioner : Ms. Nidhi Mohan Parashar, Advocate

For Respondent No.1 : Mr. Angad Singh Dugal, Advocate

ORDER

The present M.A. has been filed by the petitioner/applicant praying, inter-alia, for appointing a Local Commissioner for conducting ground verification in the city of Gulbarga. As per the petitioner / applicant, though 70% of the LCOs are with the other MSO, namely Raghavendra Enterprises, the petitioner is being asked to pay subscription fee which is in excess of what is being paid by the other MSO.

Petitioner is a MSO operating in the District of Gulbarga and surrounding rural areas. Respondent No. 1 is a broadcaster. Earlier the

petitioner had filed petition [231(C) of 2014] challenging the disconnection notices dated 25.03.2014 and 13.4.2014 issued by respondent no. 1 under clauses 4.1 and 4.3 of the Regulations. Vide order dated 31.7.2014, the Tribunal had made an interim arrangement as per which a monthly subscription of Rs. 1.5 lakhs is to be paid by the petitioner to the respondent.

During the course of hearing the M.A., the counsel for the parties jointly proposed the name of Mr. Sharath Sampath, Advocate to be appointed as Advocate Commissioner to conduct the ground verification in the city of Gulbarga. Mr. Sampath has consented for the same.

Accordingly, it is directed that Mr. Sharath Sampath be appointed as Advocate Commissioner to conduct the survey in which both the parties may also participate.

The survey may be conducted to ascertain the following :

- (a) The total market i.e. number of households with TV in Gulbarga District.
- (b) Share of the petitioner in the market and number of LCOs affiliated with the petitioner.
- (c) The total number of MSOs and LCOs in the area.

Respondent No. 1 is also permitted to suggest additional areas, if any, for conducting the survey as above.

Mr. Sampath will be paid an honorarium of Rs. 15000/- in addition to actual expenses in regard to travel and stay. The honorarium and expenses shall be shared equally between the petitioner and the respondent. Mr. Sampath may complete the survey within two weeks and submit the survey report before the next date of hearing.

Put up under the heading "for directions" on 11.11.2014.

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(Aftab Alam)
Chairperson

.....
(Kuldip Singh)
Member

/NC/