

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL**

**NEW DELHI**

**Dated 16<sup>th</sup> September 2025**

**Broadcasting Petition No. 393 of 2016**

Asianet Satellite Communications Ltd.

...Petitioner

Vs.

M/s Indo-Asian News Channel (P) Ltd.

...Respondent

**BEFORE:**

**HON'BLE MR. JUSTICE RAM KRISHNA GAUTAM, MEMBER**

For Petitioner

:

Ms Shirin Khajuria, Sr. Advocate,  
Ms. Nayan Gupta, Ms. Swati Tiwari,  
Mr. Gopal, Advocates

For Respondent

:

Ms. Ankita Kutthi for Mr. Aljo K Joseph,  
Advocate

**ORDER**

1. This Broadcasting Petition was reserved for judgment on 26.8.2025. Though argument of learned counsel for petitioner

was heard, counsel for respondent refused to argue, owing to 'no instructions' to argue in the matter, by its client. But presence was admitted to be there, for and on behalf of respondent. Hence, matter was to be decided on the basis of pleadings, facts and evidence placed on record.

2. While preparing for judgment, it came to notice that the petition, under section 14 read with 14(A) of TRAI Act, 1997, for recovery of carriage fee, was filed by petitioner company, registered under Indian Companies Act, 1956, against respondent company. But the 'letter of authorisation' by Resolution of Board of Directors of petitioner company, has not been filed on record. Hence, it is apparent that the person, who has put his signatures, Mr. M.V.Sasikanthan, Senior Vice President (Legal) and Company Secretary of petitioner company, is with no authority to file this petition, for and on behalf of petitioner company. It ought to be taken note by the Registrar, at the very first stage of registration of this petition. But, it was not taken so.

3. A plea of non-maintainability of this petition and not in accordance with law, was raised in reply, filed by respondent company. Even then, neither this issue was raised, nor pressed, nor heard and decided, as a 'preliminary issue', nor there is existence of this issue in the issues framed by Registrar.
4. Hence, this technical defect is to be addressed by petitioner company first, and the same is to be brought on record, as to by which capacity, this petition has been filed, by authorised signatory.
5. There is no mention of specific cause of action, which, ought to be mentioned, as per Order VI Rule 1 of CPC, and in case of non-mentioning of specific cause of action, the plaint may be rejected, under Order VII Rule 11 of CPC. Nowhere, date with regard to cause of action, had been written in the petition. Nor a para regarding cause of action is there in the petition.
6. Admittedly, there had been two agreements entered, in between. One is of date, 28.6.2011, for the period 1.5.2011 to

30.4.2014, and the other one, is agreement dated 21.6.2014, for the period 1.5.2014 to 30.4.2017. The Statement of Account (SOA) filed, reveals the non-payment, since the very beginning of the first agreement. The cheques, which were given as a pre-paid, were dishonoured, for which proceeding, under section 138 of Negotiable Instruments Act, are said to be pending before the Competent Court.

7. Hence, when cause of action had arisen? Where it had arisen ? and for which cause, this petition has been filed ? had not been said in the petition. This too is must, to be given in the plaint.
8. Though the file is reserved for judgment, and the judgment may be got delivered, by way of rejecting the plaint, and dismissing the petition, but the 'technical justice' should not be there. Rather, a judgment on merit of case, is to be given, for ensuring principle of Natural Justice and the legal precedents, propounded by Hon'ble Apex Court at many times.

9. Hence, under above situation, this file is being released from judgment. The petitioner is to take steps for curing all those defects, in accordance with permissibility, under law and precedents, after giving a copy to other side and an opportunity for counter and rejoinder, if any, after exchange, in between, by both side. This exercise be got made within four weeks.

10. List the matter 'for further hearing' on 30.10.2025.

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

16.09.2025  
/NC/

