TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

Tele. No. 24103873

Room No. 482, 4th Floor,
Hotel Samrat,
Kautilya Marg
New Delhi- 110 021
Dated : 30.07.2015

NOTICE

Take Notice of order dated 30.07.2015 passed by Hon'ble TDSAT in Petition No. 295 (C) of 2014 & 526 (C) of 2014 (copy enclosed). Since adjudication on the questions as identified in the said order is likely to affect the Broadcasting Sector as a whole, all stake holders of the Broadcasting Sector may intervene and approach the Tribunal on the issue by filing intervention applications within one week from 30.07.2015.

The matter shall be listed before Hon'ble Tribunal on 11.08.2015.

Encl - As above

30/7/15

(D.P.Chamoli)
Desk Officer

To:-

All Stake holders of
Broadcasting Sector

TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI

Dated 30th July, 2015

Petition No.295(C) of 2014
(M.A.No.166 of 2015)

M/s Noida Software Technology Part Ltd. ... Petitioner

Vs.

M/s Media Pro Enterprise India Pvt. Ltd.& Ors. ... Respondents

Petition No.526(C) of 2014
(M.A.Nos.167, 206 of 2015)

Noida Software Technology Park Ltd. ...Petitioner

Vs.

Taj Television India Pvt. Ltd. & Anr. ...Respondents

BEFORE:

HON'BLE MR. JUSTICE AFTAB ALAM, CHAIRPERSON
HON'BLE MR. KULDIP SINGH, MEMBER
HON'BLE MR.B.B.SRIVASTAVA, MEMBER

Petition No.295(C) of 2014

For Petitioner : Mr. Vivek Chib, Advocate
Ms. Ruchira Goel, Advocate
Mr. Asif Ahmed, Advocate
Mr.Joby P. Varghese,
Mr.Rishab Kapur,Advocate
Mr.Ankit Prakash,Advocate

For Respondent No.1&3 : Mr.Tejveer Singh Bhatia, Advocate
Mr. Upender Thakur,Advocate

For Respondent No.2 : Ms.Sangeeta Singh,Advocate for
Mr.Saket Singh,Advocate

For Respondent No.4 : Mr.Rajsekhar Rao, Advocate
Mr.Saurabh Srivastava,Advocate
Ms.Shilpa Gupta,Advocate
Ms.Mehermunisha Anand,Advocate

Petition No.526(C) of 2014

For Petitioner : Mr.Vivek Chib, Advocate
Ms.Ruchira Goel,Advocate
Mr.Asif Ahmed, Advocate
Mr.Joby P. Varghese,
Mr.Rishab Kapur,Advocate
Mr.Ankit Prakash,Advocate

For Respondent No.1 : Mr.Upender Thakur, Advocate

For Respondent No.2 : Mr.Rishad A. Chowdhury, Advocate
Mr.Himanshu Bhushan,Advocate

ORDER

Some of the questions that arise for consideration in these two cases may be enumerated as under:-

i) Should a broadcaster's RIO form the basis for negotiations to enter into an interconnect agreement with the distributor of signals or the RIO is only a fall back basis, in case the negotiations between the broadcaster and the distributor for entering into interconnect agreement otherwise fails?

ii) Whether an interconnect agreement between a broadcaster and a distributor of signals on a fixed fee basis, completely *dehors* the broadcaster's RIO can be said to be in accordance with the provisions of the Regulations?

iii) Is it open to the broadcaster to give discounts, concessions and facilities to distributors of signals on a deal to deal basis or is the broadcaster obliged to frame a standard scheme of discounts, concessions and facilities and make it public so that it may be available to all similarly situated distributors equally?

iv) What is the status of a head-end in the sky operator vis-a-vis a broadcaster for the purpose of inter-connect arrangements? Whether a HITS operator is comparable to a large MSO operating on a pan India basis?

The Tribunal would wish the TRAI to take a clear stand on the aforesaid questions.

As any adjudication on the above questions is likely to affect the broadcasting sector as a whole fundamentally, it will be open to any stake holders to intervene and address the Tribunal on the issue. Any applications for intervention may be filed within one week from today.

Put up under the same heading on 11.08.2015 at the top of the list as part-heard.

Let this order be put in the form of a notice on the TDSAT's website. Copies of this order may also be sent to the Indian Broadcasting Foundation, MSO Alliance and DTH Operators' Association.

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(Aftab Alam)
Chairperson

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(Kuldip Singh)
Member

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(B.B. Srivastava)
Member

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