

(2023) 12 TDSAT CK 0039

Telecom Disputes Settlement And Appellate Tribunal

Case No: Broadcasting Petition No. 531 Of 2023

Fastway Transmission Pvt Ltd

APPELLANT

Vs

Nirmal Cable Network And Anr

RESPONDENT

Date of Decision: Dec. 19, 2023

Hon'ble Judges: Dhirubhai Naranbhai Patel, Chairperson; Subodh Kumar Gupta, Member

Bench: Division Bench

Advocate: Vibhav Srivastava, Vandana D. Jaisingh, Kanu Priya Gupta

Judgement

1. Looking to the contentious issues raised in this Broadcasting Petition, the same is **admitted.**
2. Issue notice upon respondent No.1; to be served by dasti as well as email. Counsel Ms. Vandana D Jai Singh, accepts the notice for respondent No.2 and seeks time to file reply. Reply be filed by the next date of hearing.
3. Counsel appearing for respondent No.2 has submitted that no notice has been given by the petitioner to respondent No.2 nor there is any claim made by the petitioner against respondent No.2 and there are certain averments made in the memo of the petition which are not true at least for Respondent No.2 especially what is stated in para-2. Counsel for respondent No.2 has also taken this Tribunal to interim prayers especially (a) and (b) and has submitted that instead of "Respondents", it should have been "Respondent No.1."
4. Counsel for respondent No.2 has also submitted that in the interim prayer "any other MSO" means more than one MSO in the particular area whereas petition has been filed only against respondent No.2.
5. The aforesaid contentions will be looked into at the time of final hearing of the petition.

6. Considering the nature of petitioner's grievance, respondent no.1 is restrained from further swapping of petitioner's Set Top Boxes (STBs) with that of any entity unless due compliance is shown with relevant Regulations and the Interconnect Agreement.
7. Respondent No.2 shall not use the infrastructure of respondent no.1 for supplying signals.
8. This stay shall continue till the next date of hearing.
9. List the matter under the head "For Directions" on 25.04.2024.