(2023) 12 TDSAT CK 0040

Telecom Disputes Settlement And Appellate Tribunal

Case No: Broadcasting Petition No. 123, 124 Of 2016

Prasar Bharti (broadcasting Corporation Of India)	APPELLANT
Vs	
Kushal Global Ltd	RESPONDENT

Date of Decision: Dec. 19, 2023

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

Bench: Division Bench

Advocate: Shruti Sharma, Ananya Kanoria

Judgement

1. After hearing Learned Counsel for the two sides, following Issues are framed in agreement of the two counsel:

(i) Whether Petitioner is entitled for recovery of arrears of license fee including delayed payment interest from the Respondent as prayed for in the two petitions?

(ii) Whether Petitioner is entitled for recovery of damages from Respondent as claimed in the two petitions ?

(iii) Whether Respondent was granted access to the premises of the Petitioner for removal of its equipment ?

(iv) Whether any of the parties has been in breach of any of the terms and conditions of the contract dated 17.3.2006 entered into between the parties, and if so, to what effect ?

2. Ms. Shruti Sharma, Advocate for Petitioner states that earlier these matters were proceeded ex-parte and that she had filed her evidence affidavit on 22.9.2017. She further states that she would be seeking substitution of witness as the existing witness may not be available now for deposing before Hon'ble Tribunal. She seeks three weeks time to file evidence affidavit along with an appropriate application for orders of Hon'ble Tribunal for

substitution of witness. She may do so as per the TDSAT Procedures, 2005. List the matter for Directions on 24th January, 2024.