

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) No. 27069 OF 2004

ESPN SOFTWARE INDIA PVT. LTD. PETITIONER(S)

VERSUS

S. RAMESH & ORS. RESPONDENT(S)

WITH

TRANSFERRED CASE (C) No. 171 OF 2006

O R D E R

Learned counsel for the petitioner says that these matters have become infructuous and seeks liberty to withdraw these matters.

The Special Leave Petition and the Transferred Case are dismissed as withdrawn.

.....J.
(A.K. SIKRI)

.....J.
(S. ABDUL NAZEER)

.....J.
(M.R. SHAH)

NEW DELHI,
FEBRUARY 7, 2019

ITEM NO.106

COURT NO.2

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3841-3842/2013

TEN SPORTS

Appellant(s)

VERSUS

CITIZEN CONSUMER & CIVIC ACTION GROUP & ORS

Respondent(s)

(TO GO BEFORE THREE HON'BLE JUDGES)
(IA 33/2016-EARLY HEARING APPLICATION and IA 35/2016)

WITH

CONMT.PET.(C) No. 384-385/2004 In C.A. No. 3841-3842/2013 (XII)

S.L.P.(C)...CC No. 3614-3615/2004 (XII)

SLP(C) No. 27069/2004 (XI-A)
(APPLICATION TO NOTIFY THE CHANGE IN THE NAME OF PETITIONER and IA
No. 60023/2016-FOR CHANGE IN THE NAME OF RESPONDENT)

T.C.(C) No. 98/2006 (XVI-A)

T.C.(C) No. 171/2006 (XVI-A)

Date : 07-02-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) Mr. P.H. Parekh, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Sameer Parekh, Adv.
Mr. E.R. Kumar, Adv.
Mr. Kshatrashal Raj, Adv.
Ms. Swati Bhardwaj, Adv.
Ms. Anwasha Padhi, Adv.
Mr. Vishal Prasad, Adv.
Ms. Ritika Sethi, Adv.
M/S. Parekh & Co., AOR

Mr. Guju Krishna Kumar, Sr. Adv.
Mr. Ajay Aggarwal, Adv.
Mr. Kishan Rawat, Adv.
Ms. Mallika Joshi, Adv.
Mr. Ishan Narain, Adv.
Mr. Rajan Narain, AOR

Mr. Siddharth Chopra, Adv.
 Ms. Ruby Singh Ahuja, Adv.
 Mr. Utsav Trivedi, Adv.
 Mr. Saurabh Kumar, Adv.
 Mrs. Manik Karanjawala, Adv.
 Mr. R. Singh Sidhu, Adv.
 Mr. Nitin, Adv.
 M/S. Karanjawala & Co., AOR

For Respondent(s) Mr. Tushar Mehta, S.G.
 Mr. A.N.S. Nadkarni, ASG
 Mrs. V. Mohana, Sr. Adv.
 Mr. Vijay Prakash, Adv.
 Mr. R. Balasubramaniam, Adv.
 Mr. Zoheb Hussain, Adv.
 Mr. Amrish Kumar Sharma, Adv.
 Mr. G.S. Makker, Adv.

Mr. Ajay Aggarwal, Adv.
 Mr. Kishan Rawat, Adv.
 Ms. Hemantika Wahi, AOR

Mr. P. Parmeswaran, AOR

Mr. Nikhil Nayyar, AOR

Mrs. Prabha Swami, AOR

Mr. Rajeev Sharma, AOR
 Mr. Saket Chandra, Adv.

Mr. Praveen Swarup, AOR

Mr. Sanjay Kapur, AOR
 Ms. Megha Karnwal, Adv.
 Mr. Bharath Gangadharan, Adv.
 Ms. Shubhra Kapur, Adv.

Ms. Kaveeta Wadia, AOR

UPON hearing the counsel the Court made the following
 O R D E R

Civil Appeal No(s). 3841-3842/2013, CONMT.PET.(C) No. 384-385/2004 In C.A. No. 3841-3842/2013, S.L.P.(C)...CC No. 3614-3615/2004 and T.C.(C) No. 98/2006:

Pursuant to our Orders dated 05.02.2019, the appellant has brought a draft proposal which has been discussed in the Court. As

some changes were suggested by respondent No. 2, namely, Prasar Bharathi and respondent No. 5, namely, HMA Udyog Private Ltd., on that basis, we pass the following agreed Order:

- (1) Hon'ble Mr. Justice D.K. Jain, former Judge of this Court, is appointed to make a determination with respect to the claims and counter claims made by the parties. It is made clear that the parties here would mean the appellant-Ten Sports/Taj Television India Pvt. Ltd., respondent No. 2 - Prasar Bharathi and respondent No. 5 - HMA Udyog Private Ltd. This determination shall be made after hearing the parties, i.e., Ten Sports/Taj Television India Pvt. Ltd., Prasar Bharati and H.M.A. Udyog Pvt. Ltd. and after examining the material placed by these three parties. We make it clear that insofar as the claims of HMA Udyog Pvt. Ltd. and Prasar Bharathi are concerned, these are inter se Ten Sports.
- (2) The determination will cover the just and reasonable compensation payable to Ten Sports/Taj Television India Pvt. Ltd. with respect to 5 One Day International Cricket matches played between India and Pakistan during the Cricket Series held in Pakistan. The determination

shall be made on the basis of claims and counter claims which have been filed by the parties against each other as mentioned above. The parties are, however, permitted to file supplementary claims/ counter claims as well. We, however, make it clear that it would be open to the parties to make submissions with regard to the admissibility of such claims/ counter claims and this aspect can be considered by the Hon'ble Judge.

- (4) Hon'ble Mr. Justice D.K. Jain is requested to submit his report to this Court on or before 31.07.2019. All the three parties undertake to cooperate so as to ensure a speedy conclusion of this exercise.
- (5) Tentatively, a lump sum fee for carrying out this exercise is fixed at Rs. 30 lakhs which shall be shared equally by all the three parties. This fee can be revised, depending upon the quantum of work involved. Any other expenses towards secretarial services etc. shall be borne by the parties.
- (6) Upon receiving the report containing the determination, this Court will issue further orders and directions as may be required.

A copy of this Order may immediately be sent to Hon'ble Mr. Justice D. K. Jain, former Judge of this Court.

The matters may be listed after receiving the report of the Hon'ble Judge.

S.L.P.(C) No. 27069/2004 and T.C.(C) No. 171/2006:

Learned counsel for the petitioner says that the matter has become infructuous and seeks liberty to withdraw these matters.

The Special Leave Petition and the Transferred Case are dismissed as withdrawn, in terms of the signed order.

(SUSHIL KUMAR RAKHEJA)

AR CUM PS

(Signed order in SLP (C) No. 27069/2004 etc. is placed on the file.)

(INDU KUMARI POKHRIYAL)

ASSISTANT REGISTRAR