

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4742 OF 2011

ASSAM CABLE COMMUNICATIONS P.LTD.

.....APPELLANT

VERSUS

ZEE TURNER LTD.

.....RESPONDENT

O R D E R

This appeal is directed against order dated 28.04.2011 passed by Telecom Disputes Settlement & Appellate Tribunal, New Delhi, the relevant portions of which read as under::

"47. This Tribunal has passed an interim order on 25.8.2010. In our order dated 19.3.2010, it was categorically stated that this Tribunal would have expected the petitioner to make payments of at least the admitted dues and thus, the same should have been cleared in terms of the provisions of the agreement. It was clearly stated that if the payment in terms of the said provisions is not made, the interim order shall stand vacated.

48. We, therefore, are of the opinion that the petitioner is bound to restore the benefits derived by it to the respondent by paying the amount as claimed by the respondent, on the basis of a subscriber base of 30,000 keeping in view the parity so far as the ESPN and Star Television is concerned.

49. We, therefore, while dismissing the petition, direct the petitioner to pay to the respondent the amount of subscription fees calculated on a subscriber base of 30,000 from the date of filing of this petition till date. This order shall, however, not exclude the parties to enter into a fresh negotiation. For the purpose of

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entering into a new agreement, they may meet at the respondent's office at Kolkata, wherein it would be open to the petitioner to bring to its notice any subsequent event. We hope and trust that the respondent shall enter into the negotiation with the petitioner with an open mind and keeping in view the ground realities.

50. This petition is dismissed and the counter claim is allowed in view of the aforementioned observations and directions.

51. In the facts and circumstances of this case, the petitioner shall pay and bear the cost of the respondent."

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

The appeal is dismissed as withdrawn in terms of the
signed order.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed order is placed on the file)