

~  
SLP(C)No. 16138 OF 2003  
OUT-TODAY  
ITEM No.1D  
(For judgment)

Court No. 5

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

C.A.No.7135 of 2003 @  
Petition(s) for Special Leave to Appeal (Civil) No.16138/2003

STAR INDIA (P) LTD.

Petitioner (s)

VERSUS

SITI CABLE NETWORK LTD. & ORS.

Respondent (s)

With

C.A.Nos.7136 & 7137 of 2003 @  
SLP(C)No.16427/2003,SLP(C)No.16438/2003

(HEARD BY HON'BLE N. SANTOSH HEGDE AND B.P. SINGH, JJ)

Date : 09/09/2003 These appeals were called on for pronouncement of  
judgment today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)  
in SLP(C)16138/03 Ms. Avantika Keswani, Adv.  
Mrs. Manik Karanjawala, Adv.

In SLP(C)16427/2003 Mrs. Suchitra Atul Chitale, Adv.

In SLP(C)16438/2003 Mr. N. Ganapathy, Adv.

For Respondent (s) Mr. Maninder Singh, Adv.  
Mrs. Prathiba M. Singh, Adv.

The Court made the following  
Judgment

Hon'ble Mr. Justice N. Santosh Hegde pronounced the judgment of the Court.  
Leave granted.

The appeals are disposed of in terms of the signed judgment.

(PAWAN KUMAR) (PREM PRAKASH)

COURT MASTER COURT MASTER

(signed judgment is placed on the file)

Non-reportable.

13

the Commission has not assigned any reason for exercise of its power under Section 12A of the Act, secondly because there is no indication in the impugned order that the same is being made on the basis of proved facts, and thirdly, if so, what is the basis for such conclusion. The refore, same being contrary to law in our opinion in spite of the fact that the matter is list ed on 10th September, 2003, the same has to be quashed.

Therefore, we set aside the impugned order on the above limited grounds without expressing an y conclusive opinion on the various points raised in these appeals. It will be open to the pa rties to raise all these issues before the Commission which will consider these issues on thei r merit and decide the application for injunction filed under Section 12A of the Act or the ma in complaint as the case may be in accordance with law.

After the pronouncement of the judgment, today, the learned counsel appearing for the complain

ants submitted that there is every possibility that the appellants herein may stop distribution of their signals of their programmes because of the impugned order.

14

We have noted in the impugned order that one of the arguments of the appellants was that they have continued to distribute their programmes through terrestrial system pursuant to the agreement with the various MSO/Cable Operators which we think should be directed to be continued as an interim measure because the same is in public interest. However, we make it clear that none of the complainants, MSOs and Cable Operators have any right to use the facilities of HITS for distribution of such signals until further orders from the Commission. Even the right to receive signals from the appellants during this interregnum will be subject to terms and conditions of the agreement that the complainants and their associates have with the appellants.

The appeals are disposed of accordingly.

.....J.

( N. SANTOSH HEGDE )

.....J.

( B.P.SINGH )

NEW DELHI,  
SEPTEMBER 9, 2003