

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION/INHERENT JURISDICTION

CIVIL APPEAL NO. 6532 OF 2008

M/S. GUNTUR COMMUNICATION NETWORK PVT LTD. APPELLANT(S)

VERSUS

M/S RAGHAVENDRA CABLE NETWORK & ANR. RESPONDENT(S)

WITH

CONTEMPT PETITION (C) No. 9/2011 In C.A. No. 6532/2008

O R D E R

This appeal has been filed against an Order dated 24.10.2008 passed by the Telecom Disputes Settlement and Appellate Tribunal ('Tribunal').

Respondent No.1 filed a petition for supply of decoders and SIM cards from Respondent No.2, who is a broadcaster. By an order dated 24.10.2008, the Tribunal directed the broadcaster to supply signals directly to Respondent No.1 through decoders and SIM cards. The Appellant, who is a Multiple System Operator ('MSO'), objected to the order passed by the Tribunal on the ground that Respondent No.1 had committed default in payment of arrears to the extent of Rs.1,09,266/- (Rupees One Lakh Nine Thousand Two Hundred Sixty Six only).

The Appellant contended that clause 3.2 of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 ('2004 Regulation') and the Explanation inserted therein by the amendment to the 2004 Regulation in the month of September, 2006, have been violated due to which Respondent No. 1 was not entitled for signals either from the broadcaster or from the MSO in view of the default committed by it.

On 26.03.2010, the appeal was admitted and Respondent No. 1 was directed to deposit an amount of Rs.1 lakh in the Registry of this Court. The broadcaster was directed to supply signals to Respondent No.1, after intimation of the deposit of the said amount.

We are informed by Mr. Rajesh Srivastava, learned counsel appearing for Respondent No.2, that M/s. Raghavendra Cable Network which is arrayed as Respondent No. 1 herein, was constituted as a proprietary concern. He has information that T.Madhusudhan Rao, who was the proprietor of Respondent No.1, has died and Respondent No. 1 is not in business anymore.

At this point of time, it is not necessary for this Court to decide the issue that arises in this appeal. In view of the stand of the Appellant from the initial stage of proceedings

before the Tribunal that Respondent No.1 has defaulted in payment of arrears, we direct the Registry to release the amount of Rs.1 lakh deposited by Respondent No.1, along with interest, to the Appellant.

The appeal as well as contempt petition stands disposed of. Pending application(s), if any, shall also stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(PAMIDIGHANTAM SRI NARASIMHA)

NEW DELHI;
17th FEBRUARY, 2022

ITEM NO.101

COURT NO.5

SECTION XVII

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). 6532/2008

M/S. GUNTUR COMMUNICATION NETWORK PVT LTD.

Appellant(s)

VERSUS

M/S RAGHAVENDRA CABLE NETWORK & ANR.

Respondent(s)

WITH

CONMT.PET.(C) No. 9/2011 In C.A. No. 6532/2008 (XVII)

Date : 17-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. G. Tushar Rao, Sr. Adv.
Ms. Promila, AOR
Mr. Mayank Sharma, Adv.
Mr. Sharavena Raghul, Adv.
Ms. Aaina Verma, Adv.
Ms. Jaswanthi Anbuselvan, Adv.

For Respondent(s) Mr. Rajesh Srivastava, AOR
Mr. Neeraj Dutt Gaur, Adv

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

The appeal as well as contempt petition
stands disposed of in terms of the signed order.
Pending application(s), if any, shall also stand
disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

(Signed Order is placed on the file)