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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7865/2016**

C K CABLE NETWORK PVT LTD

..... Petitioner

Through: Mr. Vadivelu Deenadayalan, Adv.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Manish Mohan, CGSC for R-1
Mr. Angad Singh Dugal and
Mr. Abhishek Malhotra, Advocates for
R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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07.09.2016

CM No.32565/2016 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 7865/2016 & CM No. 32564/2016 (stay)

The petitioner impugns the order dated 12.08.2016 passed by the Telecom Disputes Settlement Appellate Tribunal (TDSAT) whereby the petitioner has been directed to make on account payment of Rs. 19,25,000/- to the respondent within a period of three weeks and to continue to pay monthly subscription fee @ of Rs. 3 lakhs per month as against the invoices raised by the respondent.

It is contended that on 01.06.2016, the Tribunal had directed a joint survey to be conducted and had directed that in case the joint

survey is not concluded and a report on that basis is not submitted to the Tribunal by the next date, the Tribunal may accept the figures given in the chart submitted by Mr. Deenadayalan (*Petitioner*) on 25.05.2016. It is contended that the joint survey was not conducted and without conducting the same, the respondent no. 2 filed an application stating that the joint survey was not possible. It is contended that the impugned order modifies the order of 01.06.2016 without a joint survey being conducted.

Learned counsel appearing for respondent no. 2 submits that copy of the paper book has not been furnished to the respondent and that no notice of the matter listing today has been sent to respondent no. 2 and he has entered appearance only when he noticed the case in the cause list.

He submits that the joint survey report could not be furnished as the petitioner has not supplied the requisite details of the subscribers, inter-alia, including their addresses.

Learned counsel for the petitioner submits that the complete information as required by respondent no. 2 shall be furnished to respondent no. 2 within two weeks.

The petitioner is directed to furnish to respondent no.2 the complete list of all subscribers including their names and addresses within a period of two weeks. The joint survey, as suggested, be conducted within a period of four weeks thereafter.

In the meantime, the petitioner shall deposit with the respondent no. 2 a sum of Rs. 15 lakhs on or before 22.09.2016. The first instalment of Rs. 5,44,390/- shall be deposited by the petitioner

on 08.09.2016, another sum of Rs. 5 lakhs shall be deposited with respondent no. 2 on or before 14.09.2016 and further amount of Rs. 4,55,610/- on or before 22.09.2016. The petitioner shall continue to pay Rs. 3 lakhs per month w.e.f 01.10.2016 as per the invoices raised by the respondent No. 2.

On payment of first instalment of Rs. 5,44,390/- the respondent no. 2 shall restore the signals of the petitioner.

The Writ petition is disposed of in the above terms.

It is clarified that TDSAT is at liberty to modify the above arrangement or pass appropriate order after the joint survey is conducted. In case the petitioner fails to furnish the requisite details to the respondent no. 2, the interim protection granted herein shall stand vacated.

SANJEEV SACHDEVA, J

SEPTEMBER 07, 2016
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