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

+ **W.P.(C) 8176/2017**

SHIV CABLE NETWORK THROUGH ITS PROPRIETOR

..... Petitioner

Through Mr. Vivek Sarin and Ms. Harsha, Advs.

versus

DEN NETWORKS LIMITED

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.09.2017**

CM Appln. No.33582-83/2017 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The applications are disposed of.

WP(C) No.8176/2017 & CM Appln. No.33581/2017

3. The petitioner has filed the present petition impugning the order dated 01.09.2017 . The said order reads as follows:

“Since all the individual members of the petitioner association are already impleaded as co-petitioners, in our view petitioner no. 1, who is not a service provider technically, should be deleted. Let that be done in course of the day. Amended cause title may be filed within a week.

If the petitioners have paid court fee for petitioner no. 1 also, then they will be entitled to refund of one set of court fee.

Admit. No notice need be issued as the sole respondent has already appeared on advance notice.

The petitioners have approached this Tribunal with a grievance against the alleged unilateral hike of fees by the respondent. It appears from the agreement enclosed with the petition that it has expired by end of March, 2017. For getting continued supply of signals from the MSO, petitioners must meet the MSO urgently and obtain fresh agreements in a manner laid down to law. For that purpose, we expect the parties to reach an agreement within a week.

List the matter under the same head on 19.09.2017. In the meantime, it will be open to the respondent to file a short reply on the main issue.

Till the next date, the petitioners, may pay as per the invoice issued by the respondent. It will be without prejudice to the rights and contentions of the parties and subject to the outcome of this petition. On such payment, the supply of signals will not be discontinued.”

4. A plain reading of the said order indicates that it is an *ad interim* order and the Telecom Disputes Settlement & Appellate Tribunal (hereafter as ‘TDSAT’) had listed the matter for consideration on 19.09.2017. It is apparent that no interference at this stage is called for by this Court. It also appears that the endeavour of the petitioner is to avoid adjudication before the TDSAT and this Court is of the view that the present petition ought to be dismissed with costs.

5. Accordingly, the petition along with pending application are dismissed with costs of ₹10,000/-. The costs be deposited with the Delhi High Court Legal Services Committee within a period of four weeks.

VIBHU BAKHRU, J

SEPTEMBER 13, 2017
dr