

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018
CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.12841 to 12845 of 2018
and
W.M.P.Nos.15086 to 15095 of 2018

M.Nirmala

..Petitioner
in W.P.No.12841 of 2018

R.Ananadarajan

..Petitioner
in W.P.No.12842 of 2018

T.Thangamani

..Petitioner
in W.P.No.12843 of 2018

V.Radhakrishnan

..Petitioner
in W.P.No.12844 of 2018

C.Gunasekaran

..Petitioner
in W.P.No.12845 of 2018

.. Vs ..

Tamil Nadu Arasu Cable TV Corporation Limited,
Rep.by its Managing Director, Dugar Towers,
No.34/123, 6th Floor, Marshalls Road, Egmore,
Chennai-8

.. Respondent
in all WP's

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the Circular in Lr.No.B12/3223/2018 dated 05.04.2018 on the file of the respondent herein and quash the same insofar as the same relates to payment of subscription charges for Analog Cable Tv network connections from October 2017 and November 2017 onwards on notional basis in respect of the erstwhile subscribers and consequently direct the respondent herein to accept subscription charges for the existing subscribers availing Television Signal in Digital mode and continue to provide digital signal through

the petitioner herein without any interruption.

For Petitioner : Mr.V.R.Rajasekaran
in all WP's
For Respondent : Mr.A. Manikandan for
Mr.S.Gunasekaran,
in all WP's Standing Counsel (Arasu Cable Tv)

COMMON O R D E R

The petitioners have filed these writ petitions to call for the entire records relating to the Circular in Lr.No.B12/3223/2018 dated 05.04.2018 on the file of the respondent herein and quash the same insofar as the same relates to payment of subscription charges for Analog Cable Tv network connections from October 2017 and November 2017 onwards on notional basis in respect of the erstwhile subscribers and consequently direct the respondent herein to accept subscription charges for the existing subscribers availing Television Signal in Digital mode and continue to provide digital signal through the petitioner herein without any interruption.

2. The petitioners are the registered Cable Operators under Cable Television Network Rules, 1994 for Poolambadi area vide Registration No.L/CTC/55/PAU. They have been retransmitting Television Signal provided by Tamil Nadu Arasu Cable Tv Corporation for the subscribers registered with them in the above mentioned areas since the year 2011 through Analog Cable Tv network technology and they have nearly 300 to 900 subscribers and Arasu Cable Tv signal was transmitted in Analog mode.

3. The Central Government have issued a Notification on 11.11.2011 for complete digitalisation of Television network through the country in four phases and their areas come under Phase IV for digitalisation. The cut-off date for Cable Tv digitalisation for areas covered by Phase IV is 31.03.2017. The respondent commenced transmission of television signal through digital mode w.e.f.01.09.2017 and announced that Set Top Box will be supplied to all the subscribers of Arasu Cable Tv by December 2017. The respondent supplied Set Top Boxes during October 2017 for all the subscribers, but only considerable number of them availed digital mode while the remaining did not use both. When it is so, the petitioners are continuing to pay charges online for all the customers from October and November 2017 resulting to unnecessary loss of money. The petitioners have paid monthly charges for September to October 2017 in the rate applicable for Analog mode even in respect of the customers who have discontinued their subscription. Further the petitioners are paying required charges for the number of

customers who have filed application for availing service through digital mode from the date of activation. In any event, the respondent herein have set a window period of three months from September 2017 to November 2017 for transition to digital mode from Analog mode, has no manner of right to insist the Local Cable operators like the petitioners continue to pay monthly charges applicable for Analog mode in respect of customers who have discontinued subscription and not prepared to avail signal from the respondent in digital mode. The respondent has issued circular in Lr.No.B12/3223/2018 dated 05.04.2018 intimating that all Local Cable operators who have received Set Top boxes for digital mode shall pay the monthly charges for Analog mode at the first instance and then pay the charges for digital mode. Charges for digital mode would vary from subscriber to subscriber depending on the number of channels they have subscribed. The respondent has also stated that the online payment software has been modified in such a way that payment for digital subscribers for the month of April 2018 will be accepted only on payment of charges for the month of April in respect of Analog mode subscribers. The petitioners have sent various representations regarding this issue to the respondent. But there is no reply so far received by them. Hence, the petitioners have filed these writ petitions.

4. These writ petitions are not fit to be considered and it is only in the premature stage. It is not an order passed by the respondent. It is only a circular issued to all the Cable Tv Operators intimating that the amount payable in the month of April 2018 can be remitted only after the other amount which are pending regarding analog subscriptions are paid. In the said circular, they have only stated that the subscription charges for analog mode has to be paid till May 2018, since the change of analog mode to digital mode will take place only from May 2018. In this regard, the petitioners have submitted representations, but not been considered so far.

5. In the above circumstances, the respondent is directed to consider the representations submitted by the petitioners and send reply to the petitioners, within a period of four weeks from the date of receipt of a copy of this Order.

6. Accordingly, these Writ Petitions are dismissed with above observations. Consequently, the connected miscellaneous petitions are closed. No costs.

s/d-
Assistant Registrar/V.O

True Copy

Sub-Assistant Registrar

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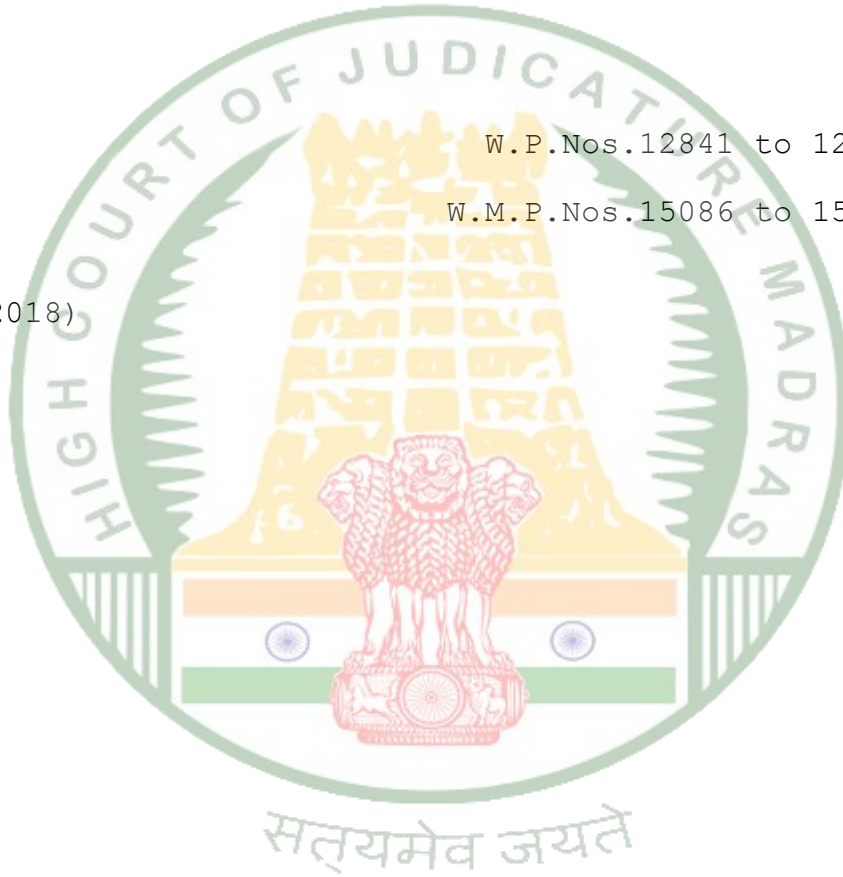
To

The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited,
Dugar Towers, No.34/123,
6th Floor, Marshalls Road, Egmore,
Chennai-8

+3 Ccs to Mr.V.R.Rajasekaran, Advocate sr 33987.

W.P.Nos.12841 to 12845 of 2018
and
W.M.P.Nos.15086 to 15095 of 2018

SKS (CO)
SP(29/05/2018)



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