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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:06.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD).No.12036 of 2018

and

W.M.P(MD).No.10973 of 2018

P.Kannan

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited
Dugar Towers, 6th Floor,
No.34 (123), Marshalls Road,
Egmore, Chennai - 600 008.

2. The Managing Director,
M/s KAL Media Services Pvt. Ltd.,
Murasoli Maran Towers,
No.73, MRC Nagar Main Road,
MRC Nagar, Chennai - 600 028.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus for a direction, directing the 1st respondent to come to a conclusion with regard to rates of the 2nd respondent channels within a time frame fixed by this Court.

For Petitioner : Mr.A.Selvendran

For Respondent 1 : Mr.S.Gunasekaran

For Respondent 2 : Mr.J.Ravindran for Mr.V.Karthikeyan

ORDER

The limited prayer sought for by the petitioner is for a direction to the first respondent to come to a conclusion with regard to the rates of the second respondent's channels.

2.The averments of the petitioner are that in view of the public notice dated 11.05.2018, the service of the pay channels of the second respondent herein is subjected to disconnection in view of the expiry of the contract period on 31.03.2018 and the non conclusion of the price negotiation between the first respondent and the second respondent herein.

3.In my view the decision to arrive at a conclusion with regard to the fixation of rates would be after deliberation between first and second respondents and this Court may not be justified in directing the first respondent to come to a conclusion with regard to the fixation of rates. Under regulation 9 of the Telecommunication (Broad Casting and Cable Services) Interconnection Regulations, 2004, the process of negotiations for renewal of the existing agreement should be commenced atleast within two months



before the date of expiry of the existing agreement and in case the negotiations continued beyond the date of expiry, the terms and conditions of the existing agreement shall continue for the next three months from the date of expiry of the original agreement or till a new agreement would reach whichever is earlier.

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4.If the above regulation is applied, the time for arriving at a new agreement would be till 30.06.2018. In the instant case, the first respondent herein had issued the public notice on 11.05.2018 itself without waiting for the date of expiry of the three months period prescribed under the regulations. As such it would be appropriate to permit the petitioner herein to continue with the services till a conclusion is reached between the first and second respondents with regard to the fixation of rates of the channels of the second respondent herein.

5.In this connection, the petitioner herein had given a representation dated 30.05.2018 to the first respondent herein requesting for continuation of the business without any interruption and the same is stated to be pending.

6.In the light of the above observation, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 30.05.2018, on its own merits and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Till such time, the first respondent herein shall not cause any interruption to the petitioner's cable network business. No costs.

7.This writ petition stands ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

+1CC to M/s.S.Prem Kumar, Advocate, SR.No.67069
+1CC to Mr.S.Gunasekaran, Advocate, SR.No.67190
+1CC to Mr.V.Karthikeyan, Advocate, SR.No.67067

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