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

+ **W.P.(C) 7638/2018**

INTERMEDIA CABLE COMMUNICATION
PVT LTD

..... Petitioner

Through Mr Aditya V. Singh, Mr Anoop Narula,
Mr Avi Singh, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Rajesh Gogan, CGSC for Respondent
No. 1.

Ms Maneesha Dhir, Mr Abhishek Kumar, Mr
Saransh Gupta, Mr Mahipal Singh, Advocate for
Respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2018

CM 29232/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 7638/2018 & CM 29231/2018

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 25.06.2018 passed by the Telecom Disputes Settlement and Appellate Tribunal (TDSAT), New Delhi in M.A. No. 303/2017 in petition no. 374/2016.
4. The learned counsel appearing for the petitioner submits that by virtue of the impugned order, the petitioner is required to enter into a mutually agreed agreement or a RIO based agreement within a period 30 days from

the date of the order, which expires today. The learned counsel for the petitioner states that a new regulatory framework is now in place by virtue of the press release dated 03.07.2018. The said regulatory framework consist of the following :-

“(a) The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, as amended on 30th March 2017 [the Tariff Order 2017];

(b) The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated March 2017 [the Interconnection Regulation 2017];

(c) The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [the QoS Regulation 2017].

5. It is contended on behalf of the petitioner that in view of this framework, the petitioner and the respondents would have to enter into an agreement in conformity with the aforesaid framework. He states that the same could not be brought to the notice of TDSAT, as the hearings were completed in the last week of May, 2018 and the press release was issued, thereafter, on 03.07.2018. He seeks to withdraw the present petition with liberty to approach the TDSAT to seek variation of the order in view of the above mentioned press release.

6. He, however, requests that the status quo be maintained as of date in order to enable the petitioner to do so. The learned counsel for the

respondents state that respondent no.3 shall not take any coercive steps till 27.07.2018 and further should abide by any further orders that would be passed by TDSAT. Respondent no.3 is bound down to the statement made by its counsel.

7. The petition is dismissed as withdrawn with the liberty as prayed for. The pending application also stands disposed of.

VIBHU BAKHRU, J

JULY 24, 2018

pkv