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

+ **W.P.(C) 6617/2020**

ROYAL DIGITAL CABLE AND COMMUNICATION PVT LTD

..... Petitioner

Through Mr.Himanshu Dhawan and
Mr.Subham Jain, Advs.

versus

INDIACAST MEDIA DISTRIBUTION PVT. LTD Respondent

Through Ms.Tanya Gupta, Adv

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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18.09.2020

CM 23097/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6617/2020 & CM 23096/2020 (Stay)

1. The dispute between the parties is in relation to the subscription amount claimed by the respondent from the petitioner. Admittedly, the subscription amount claimed by the respondent is on a provisional basis as the petitioner had failed to supply the SMS Report to the respondent as required under the Interconnect Regulations.
2. The learned counsel for the petitioner submits that on receipt of the Impugned Notice dated 28.08.2020, the SMS Report has been supplied to the respondent on 04.09.2020. He submits that SMS Report could not be provided to the respondent on time because of the Lockdown declared by

the Central Government.

3. The learned counsel for the respondent, who appears on advance notice, submits that the provisional invoices have been raised strictly in accordance with the Interconnect Regulations as the SMS Report had not been supplied to the petitioner. She further submits that in any case, in accordance with the Regulations, the reconciliation exercise has been completed within three months of supply of the SMS reports.

4. As this petition has been filed due to the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) not holding its sitting and the learned TDSAT has the jurisdiction to decide the dispute that has been raised by the parties, as an interim measure and to balance the equity between the parties, it is directed that the petitioner shall deposit a sum of Rs.5 lacs with the respondent, within a period of one week from today towards the Impugned Disconnection Notice. The said deposit shall be without prejudice to the rights and contentions of the parties and shall abide further directions of the Ld. TDSAT. The petitioner shall also supply the monthly SMS Reports to the respondent in strict compliance with the Interconnect Regulations and shall continue to make the monthly payment to the respondent on the invoices generated by the respondent based on such SMS Report. Subject to the above compliance, the respondent, who is stated to have disconnected the Television Signal of the petitioner yesterday, shall forthwith reconnect the Television Signal of the petitioner's network within 24 hours.

5. It is made clear that this Court has not expressed any opinion on the merits of the claim made by either party and the same shall be decided by the learned TDSAT on their own merit. This order shall also not prejudice the process of reconciliation of the SMS Reports, now supplied by the

petitioner, in accordance with the Interconnect Regulations.

6. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

SEPTEMBER 18, 2020/Arya