



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.424 of 2021 in
W.P.(MD)No.16986 of 2020

P.Sikkandar,
Managing Director,
Madurai Krishna Network Pvt. Ltd.,
Having its registered office at
No.1, Malligai Malar Street,
Bharathi Nagar, Krishnapuram Colony,
Madurai - 625 014.

... Petitioner/Petitioner

Vs.

D.Baskara Pandiyan,
Managing Director,
Tamil Nadu Arasu Cable T.V.Corporation Ltd.,
Having Office at Dugar Towers,
34(123) 6th Floor,
Marshalls Road, Egmore,
Chennai

... Contemnor/2nd Respondent

Prayer: Contempt petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent/Contemnor herein under the provisions of Contempt of Courts Act for his willful disobedience of the order dated 05.01.2021 passed in W.P. (MD)No.16986 of 2020 and impose cost to the respondent/contemnor.

Prayer in WP(MD). 16986 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, against the 2nd respondents directing them to re-connect and restore the local cable channel namely KRISHNA TV back to their appropriate LCN on the 2nd respondents network and restraining the 2nd respondents from blocking my channels signals and telecasting clear picture of the four TV channels namely MK TV, MK Six, MK Tunes and KRISHNA TV to the viewership.

For Petitioner	: Mr.Kartik Malhotra, for Mr.R.Narayanan.
For Respondent	: Mr.Abdul Saleem

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**O R D E R**

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondent.

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2. The petitioner is a company registered under the Indian Companies Act which is broadcasting three satellite channels, namely, MK TV, MK Six and MK Tunes in Tamil language. The petitioner is also telecasting a local television channel in the name and style of KRISHNA TV. The petitioner's operations hit a road block on 03.11.2020 as they were blocked/stopped by the Tamil Nadu Arasu Cable TV Corporation Ltd. That necessitated the filing of W.P.(MD) No.16986 of 2020. After hearing both the parties, the writ petition was allowed by me on 05.01.2021 by directing the Tamil Nadu Arasu Cable TV Corporation Ltd., to reconnect and restore the petition mentioned local cable channel(KRISHNA TV) and satellite channels forthwith and without any delay. While allowing the said writ petition, liberty was granted to the Corporation to issue proper show cause notice to the petitioner for recovery of the carriage fees said to be due to the Corporation. But this contempt petition has been filed by alleging that though the channels in question were restored, once again on 16.01.2021 there was blocking and disconnection.

3. The matter was listed for admission before me on 19.03.2021, I permitted the learned counsel appearing for the petitioner to serve papers on the learned Standing counsel and directed the Registry to list the contempt petition today. Today the learned Standing counsel appeared and submitted that on 11.01.2021, show cause notice was issued and since no reply was received from the petitioner, disconnection was effected on 16.01.2021. A copy of the show cause notice has been enclosed in the typed set of papers by the petitioner. It is seen therefrom that the Corporation granted three days time to remit the dues in question. According to the learned Standing counsel, the petitioner has to pay huge sums of money towards dues in respect of KRISHNA TV.

4. As rightly pointed out by the learned counsel appearing for the petitioner, the communication dated 11.01.2021 is more in the nature of demand. This Court had only permitted the Corporation to issue show cause notice and finalise the issue, after hearing the petitioner, whereas a demand for payment of a huge sum of money had been straightaway claimed. By no stretch of imagination, the communication dated 11.01.2021 can be called as show cause notice. This is because the petitioner's liability had been finalised behind the back of the petitioner. That apart the respondent had given just three days times to clear the dues. He pointed out that from 12.01.2021 till 17.01.2021, public holidays had been announced. Be that as it may, the petitioner had already given reply on 13.01.2021



and sent it by Registered Post with acknowledgement due. According to the petitioner, the respondent have committed illegality by effecting disconnection on 16.01.2021.

5. I find the said contention to be sustainable. When I pointed out to the learned Standing counsel that the Corporation ought to have granted some more time to the petitioner and erred in effecting disconnection on 16.01.2021 itself, the learned Standing counsel submitted that the respondent would reconnect and restore the petition mentioned local cable channel (KRISHNA TV) and also the satellite channels forthwith and without any delay. Subject to the said undertaking, liberty is given to the respondent to proceed with the enquiry and finalise the petitioner's liability regarding the payment of dues.

6. Recording the said submission made by the learned Standing counsel, I direct the Tamil Nadu Arasu Cable T.V. Corporation Ltd., to reconnect and restore the petition mentioned local cable channel (KRISHNA TV) and satellite channels forthwith and without any delay. The learned Standing counsel is requested to intimate the respondent that they should not wait for the certified copy of the order from the Registry.

7. I make it clear further that the position that obtained on 03.11.2020 i.e. before the cause of action of filing the writ petition, must be restored. Direction to restore the position that obtained on 03.11.2020 would not mean that the hands of the respondent are tied. The learned Standing counsel submitted that it is for the respondent to decide in which package the petitioner should be placed. It is open to the respondent to issue formal notice to the petitioner and thereafter, proceed in the manner known to law as regards placing the petitioner in the appropriate package. Likewise the dues of the petitioner will be determined, after granting an opportunity of personal hearing to the petitioner. The petitioner's counsel gives an undertaking that as and when they receive the enquiry notice, they will participate in the enquiry without asking for adjournment. They will not drag on the enquiry proceedings. On the enquiry date, the petitioner will appear and place all the documents. The respondent will thereafter pass a speaking order determining the petitioner's liability. The petitioner should be given reasonable time to question the same in the manner known to law. The respondent will not immediately resort to any act of disconnection. In the event of the respondent passing any adverse order, the respondent will not give effect to the same for a period of two weeks after its service on the petitioner. It is for the writ petitioner to move the appropriate forum or authority or Court and obtain interim relief in the meanwhile.



8. This contempt petition stands closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

D.Baskara Pandiyan,
Managing Director,
Tamil Nadu Arasu Cable T.V.Corporation Ltd.,
Having Office at Dugar Towers,
34(123) 6th Floor,
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TR(24.03.2021) 4P 2C