



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.18034 of 2021

JTV Cable Network Private Limited,  
Franchisee to TCCL,  
Rep. by its Managing Director,  
T.Raju

... Petitioner

**Vs.**

1.The Chief General Manager,  
BSNL Tamil Nadu Circle,  
'A' Wing, New Administrative Building,  
No.16, Greaves Road, Thousand Lights,  
Chennai - 600006.

2.The General Manager,  
BSNL Head Office,  
Thoothukudi SSA,  
W.G.C Road,  
Thoothukudi - 628001.

3.Selvakumar

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents cancel and discontinue the third respondent as Telecom Infrastructure Provider (TIP) and transfer any Fiber to the Home (FTTH) service provided by the third respondent to the petitioner in accordance with Circular No.BSNLCO-NPBB/11(13)/3/2020-NWP-BB dated 21.08.2020 as per the representation of the petitioner dated 23.09.2021.

For Petitioner : Mr.B.Prasanna Vinoth

**ORDER**

The petitioner seeks a direction to the first and second respondents to cancel and discontinue the services of the third respondent as a Telecom Infrastructure Provider.

2.The petitioner states that he is a cable operator and also a Multi System Operator (MSO) providing cable services in several places in the Thoothukudi District. Pursuant to a scheme for the



provision of voice and data for a Fiber to the Home (FTTH) service, it is stated that the petitioner entered into an agreement with the BSNL on 09.10.2018. In terms thereof, the petitioner states that it has enrolled and installed FTTH services for more than 500 customers.

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3.The petitioner alleges that the third respondent has also been permitted to provide FTTH services in the same area of operation. Consequently, the third respondent is approaching the petitioner's customers and endeavouring to wean away such customers. According to the petitioner, the third respondent is not a cable operator. In addition, it is alleged that he is a blood relative of an ex-BSNL employee. Consequently, the petitioner states that the third respondent is not entitled to be engaged for the provision of FTTH services in terms of the circular dated 21.08.2020 of the BSNL.

4.The sheet anchor of the petitioner's case is the circular dated 21.08.2020. Therefore, the said circular should be examined to ascertain whether the petitioner has made out a case to restrain the BSNL from engaging the services of the third respondent. In paragraph 1 of the said circular, a reference has been made to the office letter under which BSNL circles were authorised to allow any person, including spouses or wards of BSNL/DOT employees or retired BSNL/DOT employees, to provide Telecom services for Business Model Case I to IV as TIP/channel partner. Paragraph 2 thereof is of particular significance to this case and, therefore, the said paragraph is set out below:

*"As per the inputs received from field offices, these instructions have been reviewed and it has been decided to discontinue the same with immediate effect. Thus no new/fresh agreement is allowed to be done with near relative of BSNL/DOT serving employees for providing the Telecom Services for Business Model Case II to V as TIP/Channel Partner"*

Upon perusal of paragraph 2, it is clear that the stipulation is that no new/fresh agreement is permitted with a near relative of BSNL/DOT serving employees. Thus, the prohibition is with regard to near relatives provided such near relatives are serving employees of BSNL/DOT. In paragraph 8 of the affidavit in support of the writ petition, the petitioner has asserted that the third respondent is a blood relative of an ex-BSNL employee. Therefore, even on the assumption that the assertion in the affidavit is correct, it does not attract the prohibition specified in paragraph 2 of the circular dated 21.08.2020. As regards the assertion that the third respondent is approaching the petitioner's customers, the same should be dealt with in the manner business entities deal with their competitors. Apropos the assertion that the third respondent is neither a cable operator nor MSO, no actionable evidence has been provided in such



regard. The petitioner has, therefore, failed to make out a case to issue a mandamus as prayed for.

5. For reasons set out above, W.P.(MD).No.18034 of 2021 is dismissed without any order as to costs.

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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:-

1. The Chief General Manager,  
BSNL Tamil Nadu Circle,  
'A' Wing, New Administrative Building,  
No.16, Greaves Road, Thousand Lights,  
Chennai - 600006.

2. The General Manager,  
BSNL Head Office,  
Thoothukudi SSA,  
W.G.C Road,  
Thoothukudi - 628001.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-31403  
[F] dated 06/10/2021)

W.P(MD).No.18034 of 2021  
06.10.2021

SB(CO)  
GC(20.10.2021) 3P 4C