

23rd November, 2013

Shri Wasi Ahmed,
Advisor (B & CS), TRAI,
New Delhi
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advcs@traigov.in

Respected Sir,

Re: **On issue/extension of DTH Licence Comments consultation paper dated Oct. 1, 2013:**

My comments on the said consultation paper are as under:-

It is respectfully submitted that a HITS (Headend-In-The Sky) was granted by the MIB for operating in India in the year 2003 and accordingly the Dish TV India Limited applied for contents from the broadcasters i.e. Star India Pvt. Ltd & MSM Discovery Pvt. Ltd. The broadcasters refused to provide the contents to the Dish TV. Thereafter the Wire and Wireless (India) Ltd Petitioner No.1 & Dish TV India Petitioner No.2 preferred a petition before the Hon'ble TDSAT vide petition No.114 (C) of 2008 & petition No.115 (C) of 2008 against the Star/MSM Broadcasters. The said petitions were dismissed by the Hon'ble TDSAT on 13th August, 2008. The following issue is framed:-

- (i) **Petitioner No.1 is not the Licensee for HITS and petitioner No.2 has not applied for supply of signals. Therefore petition is not maintainable.**

The Zee Turner Ltd. provided the signals to WWIL by violating the uplinking/downlinking guidelines. This aspect of the respondents reproduced as under:-

"It is submitted that the Government of India, MIB, Broadcasting Wing, vide its Notification No.F.No.13/2/2002-BP&L/BC-IV dated 11th November, 2005 has formulated policy guidelines for downlinking satellite television channels downlinked/received/transmitted and re-transmitted in India for Public viewing. Clauses 5.6 of the said guidelines clearly stipulate that a broadcaster shall provide satellite TV channels signals, reception decoders only to registered MSO/Cable operators or registered DTH/HITS/IPTV operators. The said judgment is uploaded on TDSAT web site.

Further it is submitted that Dish TV is also a part and parcel of Essel Group, Zee Turner and their affiliated MSOs such as SITI Cable/WWIL/Siti Vision a subsidiary of Essel group.

Keeping in view of the above the following submission submitted for consideration:-

- a) Dish TV violated the Policy HITS Policy guidelines by transferring its right to WWIL in a illegal manner by concealing the true facts from the statutory authorities, hence their licence should not be renewed;
- b) Dish TV also providing services outside the territory of India which has to be curbed;
- c) Dish TV is a part of Essel group who are also running MSOs and operating as contents aggregators broadcasters in India simultaneously should be discouraged similar licence.

Thanking you,

(Surinder Kumar Goel)
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24th November, 2013

Shri Wasi Ahmed,
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New Delhi
Email: traicable@yahoo.com.in
advcs@traigov.in

Respected Sir,

**Re: On issue/extension of DTH Licence Comments
Consultation paper dated October 1, 2013:
Re: Amended comments on consultation paper**

My amended comments on the said consultation paper are as under:-

Please refer to my comments on the matter submitted on 23/11/2013 regarding above. It is respectfully submitted that a HITs (Headend-In-The Sky) was granted by the MIB for operating in India in the year 2003 and accordingly the Dish TV India Limited applied for contents from the broadcasters i.e. Star India Pvt. Ltd & MSM Discovery Pvt. Ltd. The broadcasters refused to provide the contents to the Dish TV. Thereafter the Wire and Wireless (India) Pvt. Ltd Petitioner No.1 & Dish TV India Petitioner No.2 preferred a petition before the Hon'ble TDSAT vide petition No.114 (C) of 2008 & petition No.115 (C) of 2008 against the Star/MSM Broadcasters. The said petitions were dismissed by the Hon'ble TDSAT on 13th August, 2008. The following issue is framed by the Hon'ble tribunal while deciding the said petitions:-

Petitioner No.1 is not the Licensee for HITS and petitioner No.2 has not applied for supply of signals. Therefore petition is not maintainable.

The Zee Turner Ltd. provided the signals to WWIL by violating the uplinking/downlinking guidelines 5.6. This aspect of the respondents reproduced as under:-

"It is submitted that the Government of India, MIB, Broadcasting Wing, vide its Notification No.F.No.13/2/2002-BP&L/BC-IV dated 11th November, 2005 has formulated policy guidelines for downlinking satellite television channels downlinked/received/transmitted and re-transmitted in India for Public viewing. Clauses 5.6 of the said guidelines clearly stipulate that a broadcaster shall provide satellite TV channels signals, reception decoders only to registered MSO/Cable operators or registered DTH/HITS/IPTV operators. The said judgment is uploaded on TDSAT web site.

Further it is submitted that Dish TV is also a part and parcel of Essel Group, Zee Turner and their affiliated MSOs such as SITI Cable/WWIL/Siti Vision a subsidiary of Essel group.

Reference is invited to the news published on the web site of cable quest dated 23rd November, 2013 which is reproduced as under:-

“Dish TV, Videocon d2h, Airtel Digital to float a JV

DTH operators Dish TV, Videocon d2h and Airtel Digital TV are in discussions to float a JV with equal participation which would enable these players to trim their content cost and demand higher carriage from the broadcasters.

The entity which would be structured similar to the channel distribution companies would enable the partners to have a combined subscriber base of over 25 mn.

Estimated to have 30 million subscribers today, the DTH industry today has six operators - Dish TV, Airtel Digital TV, Tata Sky, Sun Direct, Reliance Digital TV, Videocon D2H, and DD Direct. Four of these players--Airtel Digital (owned by Bharti Airtel), Tata Sky (a joint venture between Tata Sky and STAR), Reliance Digital TV (owned by Reliance Communications), and Videocon D2H (owned by the Videocon group) also offer mobile telephony services.

The Indian Direct-To-Home (DTH) market is expected to see its annual revenue grow over three times to more than \$ 5 billion by 2020, as mandatory cable TV digitisation would help the DTH players expand their subscriber base, a study has said.

The active DTH subscriber base is estimated to grow from 32.4 mn in 2012 to 63.8 mn by 2017 and 76.6 mn by 2020. The active subscriber additions in 2012 stood at a mere 3.7 mn.

The Indian DTH industry is estimated to have clocked revenue of about \$ 1.5 Bn in 2012.

Media Partners Asia had reported that Dish TV continued to lead with a market share of 27 % in terms of gross additions, while Videocon d2h led in terms of incremental adds in 2012.

Tata Sky and Airtel Digital TV have 19 % and 18 % market share, respectively. These four players together accounted for 88 % of total gross additions in 2012.

The ongoing digitization drive of the Indian government is presenting an opportunity to investors to cash in and telecom players to unlock the value of DTH business.

Anil Ambani-owned Reliance Communications is said to be in talks with South-based Sun Group to sell its DTH business for an estimated R2000 Cr (US\$367 million). Similarly, there have been reports Bharati Airtel being in talks with Liberty Global and a couple of private equity firms to sell 25% stake of its DTH business”.

Sir, by this way the broadcasters sponsored DTH prayers will create a monopoly in the Cable TV sector in India which will harm to the subscribers.

Keeping in view of the above the DTH operators followed the new strategy to defuse the consultation paper, hence following submission submitted for consideration in public interest as well as for subscribers:-

- a) Dish TV violated the HITS Policy guidelines by transferring its right to WWIL in a illegal manner by concealing the true facts from the statutory authorities, hence their licence should not be renewed;
- b) Dish TV also providing services outside the territory of India which has to be curbed;
- c) Dish TV is a part of Essel group who are also running MSOs and operating as contents aggregators broadcasters in India simultaneously should be discouraged similar licence.
- d) DAS regulation shall also be applicable to DTH operators operating in Indian Territory.

Thanking you,

(Surinder Kumar Goel)

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25th November, 2013

Shri Wasi Ahmed,
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Respected Sir,

**Re: Comments on Supplementary Consultation paper No.11 dated 14/11/2013 on
“Issue related to New DTH Licence”:**

My humble submission and comments on the matter are as under:-

Reference is invited to the news published on the web side of cable quest dated 23rd November, 2013 which is reproduced as under:-

“Dish TV, Videocon d2h, Airtel Digital to float a JV

DTH operators Dish TV, Videocon d2h and Airtel Digital TV are in discussions to float a JV with equal participation which would enable these players to trim their content cost and demand higher carriage from the broadcasters.

The entity which would be structured similar to the channel distribution companies would enable the partners to have a combined subscriber base of over 25 mn.

Estimated to have 30 million subscribers today, the DTH industry today has six operators - Dish TV, Airtel Digital TV, Tata Sky, Sun Direct, Reliance Digital TV, Videocon D2H, and DD Direct. Four of these players--Airtel Digital (owned by Bharti Airtel), Tata Sky (a joint venture between Tata Sky and STAR), Reliance Digital TV (owned by Reliance Communications), and Videocon D2H (owned by the Videocon group) also offer mobile telephony services.

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Media Partners Asia had reported that Dish TV continued to lead with a market share of 27 % in terms of gross additions, while Videocon d2h led in terms of incremental adds in 2012.

Tata Sky and Airtel Digital TV have 19 % and 18 % market share, respectively. These four players together accounted for 88 % of total gross additions in 2012.

The ongoing digitization drive of the Indian government is presenting an opportunity to investors to cash in and telecom players to unlock the value of DTH business.

Anil Ambani-owned Reliance Communications is said to be in talks with South-based Sun Group to sell its DTH business for an estimated R2000 Cr (US\$367 million). Similarly, there have been reports Bharati Airtel being in talks with Liberty Global and a couple of private equity firms to sell 25% stake of its DTH business”.

Sir, by this way the broadcasters sponsored DTH prayers will create a monopoly in the Cable TV sector in India which will harm to the subscribers.

Keeping in view of the above the DTH operators followed a new strategy in a maneuvers way to overstep the consultation paper, hence following submission submitted for consideration in public interest as well as for subscribers:-

- a) Broadcasters in collusion with DTH/MSOs are creating parallel governance system outside the purview of the law established by the parliament i.e. Cable Act, 1995 & rules 1994;
- b) All the DTH Operators are providing cable television services outside the territory of India which has to be curbed;
- c) DTH operators are also running MSOs and operating as contents aggregators broadcasters in India simultaneously should be discouraged similar licence.
- d) DAS regulation shall also be applicable or attract to all the DTH operators operating in Indian Territory.
- e) Joint ventures and selling of right to other DTH operator will create a monopoly and strangulate the transparency in the Indian market which is neither in the interest of general public nor in the interest of subscribers.
- f) Preventive rules for supply of signals by DTH operators outside the territory of India to be considered by the Hon'ble TRAI.
- g) Stake entity of broadcaster's management in DTH shall be zero.

Thanking you,

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