

By Registered AD

Dated 22nd August, 2005

F.No.3-35/ 2005 - B&CS

To

M/s. Vasai Cable Pvt. Ltd.,
154, Golden Park Commercial Complex,
Sai Nagar, Vasai (West), Distt. – Thane,
Maharashtra – 401 202

Subject: Direction under Section 13 of the TRAI Act

Whereas, Telecom Regulatory Authority of India had issued the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004) (hereinafter referred to as 'the Regulation');

Whereas in terms of clause 1(iii), the said Regulation had come into force with effect from the date of its publication in the Official Gazette i.e., on 10.12.2004;

Whereas in terms of clause 3.2 of the said Regulation, it is mandatory on request for a Multi System Operators to re-transmit signals received from a broadcaster, on a non-discriminatory basis to cable operators;

Whereas M/s. Vasai Cable Pvt. Ltd., with its office at 154, Golden Park Commercial Complex, Sai Nagar, Vasai (West), Distt. – Thane, Maharashtra – 401 202 (hereinafter called M/s.Vasai Cable) have refused to re-transmit signals received from M/s. Star India Pvt. Ltd. to M/s. Royal Cable Network, Village Chulna, Vasai Road, Thane (hereinafter called the Complainant);

Whereas the Complainant in their letter of 10th March 2005 complained about the refusal of M/s. Vasai Cable to provide TV signals of M/s. Star India Pvt. Ltd. to them and requested the Telecom Authority of India (The Authority) to take appropriate action in the light of the said regulation;

Whereas the Authority on receipt of the complaint requested M/s. Vasai Cable vide letter dated 15.3.2005 to convey their comments by 28.3.2005;

Whereas M/s. Vasai Cable vide its reply dated 20.03.2005 informed that the Complainant Network was illegal and an encroacher in their area of operation;

Whereas M/s. Vasai Cable was requested on 4th April 2005 to clarify as to how the Complainants had violated any law by setting up the network and how was their control room illegal and was requested to furnish documents/ other evidence to substantiate the claim;

Whereas attention of M/s. Vasai Cable was specifically drawn to clause 3.2 of the Interconnection Regulation dated 10.12.2004 vide letter dated 10th June 2005 and another request was made on 18th July 2005 to furnish comments and documentary

evidence regarding illegality of the Complainant network by 29.7.2005;

Whereas the Authority after examining the replies of M/s. Vasai Cable dated March 20, May 21 & July 7, 2005 has come to the conclusion that no explanation has been given by M/s. Vasai Cable regarding violation of Interconnect Regulations;

Now, therefore, the Authority has come to the conclusion that M/s. Vasai Cable has not complied with the provisions of clause 3.2 of the said Regulation by refusing to re-transmit signals received from M/s. Star India Pvt. Ltd. to the Complainant.

And therefore, the Telecom Regulatory Authority of India in exercise of its powers under Section 13 read with section 11(1)(b) of the TRAI Act hereby directs the MSO, M/s. Vasai Cable Pvt. Ltd., 154, Golden Park Commercial Complex, Sai Nagar, Vasai (West), Distt. – Thane, Maharashtra – 401 202:-

- a. to take immediate steps for providing signals of M/s. Star India Pvt. Ltd. to M/s. Royal Cable Network, Village Chulna, Vasai Road, Thane i.e. the complainant Distributor of TV Channels;
- b. to furnish a compliance report within two days of receipt of this direction; and
- c. to scrupulously comply with the requirements of regulation in future.

The direction is being placed on the website of the Authority.

This issues with the approval of the Authority.

(RakeshKacker)
Advisor - B &CS

Copy to: M/s. Royal Cable Network, Village Chulna, Vasai Road, Thane

Advisor - B &CS