

By Registered AD

NO. 3-2/2005- B&CS

Dated- 07/03/2005

To,

M/s. Bhaskar Multinet Pvt. Ltd.,

4/ 54, Dainik Bhaskar Building,

Press Complex, A. B. Road,

**Indore 452 008**

Fax: 0731 - 2577503

**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');

2.        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;

3        Whereas in terms of Clause 4.1 of the said Regulation, it is mandatory for Broadcaster or Multi System Operators to give notice of a specified period along with brief reasons to a distributor of TV channels before disconnection of TV channel signals;

4.        Whereas in terms of clause 4.2 Broadcaster /Multi system operator is required to give notice to discontinue signals in two local newspapers or national papers depending upon the area served or alternatively inform the consumers through the scroll in the channel;

5. Whereas M/s. Bhaskar Multinet Pvt. Ltd., with its office at 4/ 54, Dainik Bhaskar Building, Press Complex, A. B. Road at Indore (hereinafter called M/s.Bhaskar Multinet) have disconnected the signals to M/s. Kedar Pandya, Pramod Dhahigude, Shailendra Dhaketa and Naushad Khan on 25<sup>th</sup> January 2005, all four of them being distributors of TV Channels having their networks in Indore (hereinafter called the Complainants);

6. Whereas the Complainants in their letter of 27<sup>th</sup> January 2005 complained about the disconnection of signals by M/s. Bhaskar Multinet without any notice or prior information and requested the Telecom Authority of India (The Authority) to take appropriate action in the light of the said regulation;

7. Whereas the Authority on receipt of the complaint on 27.1.2005 requested the MSO to convey their comments by 03.02.2005, which was subsequently extended to 14.02.2005;

8. Whereas M/s.Bhaskar Multinet vide its reply dated 10.02.2005 informed that the signals were disconnected due to non-payment of their over-due bill and furnished the details of outstanding dues of the four operators.

9. Whereas the Authority after examining the reply of the M/s.Bhaskar Multinet has come to the conclusion that no explanation has been given by M/s.Bhaskar Multinet regarding violation of Interconnect Regulations.

10. Now, therefore, the Authority has come to the conclusion that M/s.Bhaskar Multinet has not complied with the provisions of clause 4.1 and 4.2 of the said Regulation before disconnection of signal to the Complainants.

11. 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. Bhaskar Multinet Pvt. Ltd., Dainik Bhaskar Building, Press Complex, A. B. Road, Indore:-

- a. to take immediate steps for restoration of the signals to M/s. Kedar Pandya, Pramod Dhahigude, Shailendra Dhaketa and Naushad Khan i.e. the complainant Distributors 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 before disconnection of signals.

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

13. This issues with the approval of the Authority.

(A. K. Bhatnagar)

Advisor (Spl.) - B &CS

Copy to: M/s. Kedar Pandya, Pramod Dhahigude, Shailendra Dhaketa and Naushad Khan Indore