

Direction

Subject: Direction under Section 13 read with Section 11(2) & 12(1)(a) of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) to broadcasters for reporting of commercial tariff.

Whereas in an appeal before the Hon'ble Supreme Court [C.A.Nos.2061 of 2006 and 2247 of 2006] against the order dated 17.01.2006 of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT), the Hon'ble Apex Court on 28.4.06 ordered status quo;

2. And whereas in deference to the said order of the Hon'ble Supreme Court directing status quo, the process of determination of tariff for commercial subscribers, was not carried forward;

3. And whereas by an order dated the 19th October, 2006 in the aforesaid appeals, the Hon'ble Supreme Court modified its earlier order dated 28.04.2006 and directed the "TRAI to carry out the processes for framing the tariff" and further directed that "While doing so, it must exercise its jurisdiction under section 11 of the Act independently and not relying on or on the basis of any observation made by the TDSAT to this effect";

4. And whereas in pursuance of the aforesaid orders of the Supreme Court, the Telecom Regulatory Authority of India (TRAI) had, on 21/11/2006, issued a Tariff Amendment Order, namely, the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Seventh Amendment) Order, 2006 (8 of 2006), providing therein that the charges in respect of certain types of commercial cable subscribers such as hotels with rating of 3 star and above, heritage hotels (as described in the guidelines for classification of hotels issued by Department of Tourism, Government of India) and any other hotel, motel, inn and such other commercial establishment, providing board and lodging and having 50 or more rooms, shall be determined by mutual agreements between the parties, i.e., between such commercial subscribers on the one hand and the broadcaster or the authorised Multi System Operator (MSO) or the cable operator (LCO) on the other hand;

5. And whereas the said order further clarifies that in respect of programmes of a broadcaster, shown on the occasion of a special event for common viewing, at any place registered under the Entertainment Tax Law and to which access is allowed on payment basis for a minimum of 50 persons by the commercial cable subscribers, the tariff shall be as mutually determined between the parties;

6. And whereas in para 3.2.11 of the Explanatory Memorandum attached to the said Tariff Amendment Order of 21st November, 2006, it was indicated that the Authority would separately be asking the broadcasters to report their tariffs for commercial cable subscribers to start with on a monthly basis to gauge the extent of increase in the rates and, if necessary, the Authority would intervene in the matter;

7. Now, therefore, in exercise of the powers conferred by Section 13 read with Section 11(2) & 12(1)(a) of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India (TRAI) hereby calls upon all broadcasters to –

- (a) report to TRAI, on a monthly basis, the tariff charged from the categories of commercial cable subscribers specified above on a monthly basis;
- (b) ensure that the report for a particular month is furnished to the Authority by the seventh day of the succeeding month;
- (c) specifically indicate in the monthly report to the Authority that there is no change in the tariff reported in the previous month, whenever there is no change from the tariff reported in the previous month;
- (d) submit separate monthly reports on similar lines and within the same time limit in respect of the public viewing areas (PVAs); and,
- (e) submit the reports referred to in (a) and (d) above from the month ending December, 2006.

(R. N. CHOUBEY)
Advisor (B&CS – II)

To
All Broadcasters
(as per list)

Broadcasters

M/s Set Discovery Private Limited 2nd Floor, 91/B, Secular House, Qutab Institutional Arera, Aruna Asaf Ali Marg, New Delhi - 67
M/s Zee Turner Limited 5th Floor, Radisson Plaza, NH 8, New Delhi - 110 037
M/s ESPN Software India Private Limited 7th Floor, Tower C, Infinity Towers, DLF Phase 2, Gurgaon - 122 002
M/s B4U Television Network (India) Private Limited B-47, Paramount Building, 3rd Floor, Opp Fame Adlbas, New Link Road, Andheri (W), Mumbai - 400 053
M/s BBC World India Private Limited 518-522, World Trade Centre, Babar Road, New Delhi - 110 001
M/s Star India Private Limited 1st Floor, Central Wing, Thapar House, 124, Janpath, New Delhi - 110 001
M/s Sun TV Limited 367 & 369, Anna Salai, Teynampet, Chennai - 600 018
M/s Gemini TV Private Limited 367-369, Anna Salai, Teynampet, Chennai - 600 018
M/s Udaya TV Private Limited 367-369, Anna Salai, Teynampet, Chennai - 600 018
M/s Raj Television Limited 32 Poes Road, 2nd Street, Teynampet, Chennai - 600 018
M/s Ushodaya Enterprises Limited Ramoji Film City, R R Dist- 501 512 Andhara Pradesh
M/s DAN Television Private Limited 59/33, 4th Avenue, Ashok Nagar, Chennai - 605 083
M/s Sahara India TV Network Sahara India Complex, C-2, C-3, C-4, Sectgor-XI, Noida - 201 301

M/s Zoom

Bennett, Coleman & Co Limited
Trade Garden, 1st Floor, Kamala Mill
Compound,
Sebaoatu Babat Marg, Lower Parel (W),
Mumbai - 400 013

**Sahara One Media & Entertainment
Limited**

Sahara One Towers, 2nd Floor,
Kamala Mills Compound, Lower Parel,
Mumbai - 400 013

M/s MAA Television Limited

6-3-663/B, MRL House,
Behind Topaz Building, Punjagutta,
Hyderabad – 82