

New Delhi, the 24th September, 2007

DIRECTION

Subject : Direction under section 13, read with sub-clauses (ii), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) for compliance with the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004).

F.No.3-25/2007-B&CS. -----Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority] has been established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the TRAI Act, 1997) and entrusted discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunications service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39, --

(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification number.S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,

has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority, in exercise of the powers conferred upon it under section 36 and sub-clauses (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997, read with the notifications No.39 (S.O No. 44 (E) and 45 (E)) dated 09.01.2004 issued from file No.13-1/2004-Restg by the Government of India under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub-section (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997, made the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004) (hereinafter called the principal regulation) providing for the provision of signals of TV channels by every broadcaster on non-discriminatory terms to all distributors of TV channels;

4. And whereas clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) provides as under :- .

“3.5 Any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request. In case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum.

Explanation

The time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa.”.

5. And whereas the Authority received on the 20th February, 2007 in its office a copy of the complaint dated the 13th February, 2007 from M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101 (hereinafter referred to as M/s Dooars Cable Network), addressed to the

Nodal Officer (Shri Abijit Sanyal), Kolkata (annexed as Annexure I to this Direction) complaining about non-supply of signals of ETV Bangla to their cable network by authorities of ETV channel, being M/s Ushodaya Enterprises Limited, having their head office at Ramoji Film City, Hyderabad – 501512, (hereinafter referred to as ETV Network);

6. And whereas the Authority vide its letter No.3-25/2007-B&CS dated the 23rd February, 2007 requested M/s ETV Network, being the broadcaster, to convey their comments on the issues raised in the said complaint and M/s. ETV Network vide their letter dated the 5th March, 2007 (annexed as Annexure II to this Direction) in response to the said letter of the Authority, informed it, *inter-alia*, that M/s ETV Network, being the broadcaster, with a view to allot a decoder to the complainant, encashed the demand draft sent by the complainant but later on they came to know that the pay channel department had already appointed one multi system operator to cater to the subscribers in the area where the complainant, being M/s. Dooars Cable Network, sought to install the decoder and that they had already returned the amount paid for decoder to complainant with simple interest and advised him to take signals from the multi system operator and that the multi system operator had also been advised to provide signals to the complainant after entering into an agreement;

7. And whereas the Authority, vide its letter dated the 9th March, 2007, (annexed as Annexure III to this Direction), forwarded a copy of the letter dated the 7th March, 2007 received from M/s ETV Network, being the broadcaster, referred to in the preceding paragraph, to the complainant, being M/s Dooars Cable Network and sought the comments of M/s. Dooars Cable Network on the said letter of M/s. ETV Network, being the broadcaster;

8. And whereas subsequent to the issuance of the letter, dated 9th March, 2007 of the Authority, referred to in the preceding paragraph, M/s. Dooars Cable Network, being the complainant, vide their letters dated the 21st March, 2007, the 27th March, 2007 and the 7th April, 2007 (annexed and collectively marked as Annexure IV to this Direction) informed the Authority that the complainant did not receive any amount including simple interest from M/s ETV Network as claimed, and they approached the multi system operator appointed by the broadcaster, namely, M/s Jalpaiguri Cable Communication but the said multi system operator had not responded to their request;

9. And whereas the Authority, vide its letter dated 13th April, 2007 (annexed as Annexure V to this Direction), forwarded copies of the letters from M/s. Dooars Cable Network dated the 21st March, 2007, 27th March, 2007 and 7th April, 2007, referred in the preceding paragraph, and sought clarification from M/s ETV Network, being the broadcaster, on the issues raised in the said letters of M/s Dooars Cable Network and in response to the said letter of the Authority dated the 13th April, 2007, M/s ETV Network, being the broadcaster, vide their letter dated the 26th April, 2007 (annexed as Annexure VI to this Direction) informed the Authority, *inter-alia*, that they had informed concerned multi system operator, being M/s Jalpaiguri Cable Communication, Jalpaiguri to provide signal but the complainant, for the reasons best known to him, was avoiding to receive the signals from the multi system operator and that M/s. ETV Network were always ready and willing to provide signals through their multi system operator namely, Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101;

10. And whereas the Authority received another letter dated the 9th May, 2007 from M/s Dooars Cable Network, being complainant (annexed as Annexure VII to this Direction) indicating therein that even after a lapse of two months from the letter dated the 5th March, 2007 of M/s ETV Network, being the broadcaster, referred to in paragraph 6 above, wherein they stated that they had instructed M/s Jalpaiguri Cable Communication Pvt. Ltd. to provide signals to them, the said multi system operator had not taken any steps in the matter nor had they replied to the request of the said M/s Dooars Cable Network;

11. And whereas the Authority had, vide its letter dated the 16th May, 2007 (annexed as Annexure VIII to this Direction), forwarded a copy of the letter dated the 9th May, 2007 of M/s Dooars Cable Network, being the complainant, as referred to in the paragraph 10 above, to M/s ETV Network and drew the attention of M/s. ETV Network to the provisions of clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) and sought clarification from M/s. ETV Network on their position ;

12. And whereas in response to the letter of the Authority referred to in the preceding paragraph, M/s. ETV Network vide their letter dated the 29th May,

2007(annexed as Annexure IX to this Direction) forwarded copies of two letters dated the 24th May, 2007 and the 26th May, 2007, being the correspondence exchanged by the multi system operator, to the complainant, being M/s. Jalpaiguri Cable Communication Pvt. Ltd;

13. And whereas upon perusal of the letters of the multi system operator referred to in the preceding paragraph, it was observed that the multi system operator had,--

(a) in the letter dated the 24th May, 2007 to M/s Dooars Cable Network, being the complainant, indicated that they had received the letter of M/s. Dooars Cable Network, being the complainant long back but their Board of Directors had no immediate meeting and it was decided, in the meeting of their board held on the 20th May, 2007, that since M/s Dooars Cable Network, being the complainant had not specified in its letter the area of their operation within Jalpaiguri District and no commercial terms and conditions had been specified, they were unable to give any decision in the matter; and

(b) in the letter dated the 26th May, 2007 to M/s Dooars Cable Network, being the complainant, it was stated that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had issued a letter on the 24th May, 2007 to the complainant and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. informed M/s. Dooars Cable Network that they were ready to discuss with M/s. Dooars Cable Network regarding the signals of ETV Bangla and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had requested M/s. Dooars Cable Network to inform the date of discussion about the matter;

14. And whereas the Authority, vide its letter dated the 19th June, 2007(annexed as Annexure X to this Direction), forwarded the response of M/s. ETV Network, as referred to in the preceding paragraph 13, to M/s. Dooars Cable Network, being the complainant for seeking their comments in the matter;

15. And whereas in response to the letter of the Authority dated the 19th June, 2007 referred to in the preceding paragraph, M/s. Dooars Cable Network, being the

complainant vide their letter dated the 19th June, 2007 (annexed as Annexure XI to this Direction), informed the Authority that –

(a) all the required details such as their location, connectivity were indicated in their correspondence with M/s ETV Network vide letter dated the 19th August, 2006 which was received by M/s ETV Network on the 23rd August, 2006 and thus the

area of operation and the connectivity of M/s Dooars Cable Network were thus informed by them to M/s ETV Network;

(b) the field staff and area manager of M/s ETV Network had been bargaining for increasing the connectivity of M/s Dooars Cable Network, complainant and accordingly, they had informed a connectivity equivalent to rupees twenty thousand per month as subscription to M/s ETV Network and this had been confirmed to M/s ETV Network vide their letter dated the 7th November, 2006 which was received by M/s ETV Network on the 10th November, 2006 and thus, both the area of operation and subscription charge had been duly informed to M/s ETV Network; and in support of their contentions, in (a) and (b) above, also enclosed a number of documents, namely copies of their letters dated the 19th August, 2006 and 7th November, 2006, and a letter of M/s ETV Network dated the 5th March, 2007, etc.;

16. And whereas the Authority, vide its letter dated the 29th June, 2007 (annexed as Annexure XII to this Direction), forwarded a copy of the letter dated the 19th June, 2007 from M/s. Dooars Cable Network referred to in the preceding paragraph, to M/s. ETV Network asking them to convey their comments on the issues raised in the said letter of M/s. Dooars Cable Network;

17. And whereas in response to the letter of the Authority dated the 29th June, 2007 referred to in the preceding paragraph 16, M/s. ETV Network, vide their letter dated the 6th July, 2007 (annexed as Annexure XIII to this Direction) has, *inter alia*, informed the Authority that the complainant has made a representation dated the 19th June, 2007 to the Authority that he has informed the area of operation and also the subscription charges to M/s ETV Network “which is irrelevant issue as he was to obtain signals through the multi state operator. However failed to convey the same to the multi state operator, being, M/s. Jalpaiguri Cable Communication Pvt. Ltd ...”

18. And whereas the Authority has considered the clarifications given by M/s ETV Network, vide their letter dated the 6th July, 2007 referred to in the preceding paragraph, which have not been found to be satisfactory for the following reasons, namely:-

(a) that the contention of M/s. ETV Network that the fact of M/s Dooars Cable Network, being the complainant, having informed M/s ETV Network about their area of operation and also the subscription charges is an irrelevant issue as the said complainant was to obtain signals through multi system operator is not acceptable

as it is primarily the responsibility of the broadcaster, under clause 3.2 and 3.4 of the principal regulations, as amended from time to time, to provide signals of its TV channels to all distributors of TV channels on a non-discriminatory basis and to ensure, where the signals are provided through an agent or intermediary, that the agent or intermediary acts in a manner that is consistent with the obligations placed on the broadcaster and not prejudicial to competition;

(b) that the contention of M/s ETV Network, being the broadcaster, that M/s. Dooars Cable Network, being the complainant, has not indicated the area of the proposed operation to the multi system operator cannot be accepted as a good reason for non-provision of signals to the complainant, because M/s. ETV Network's letter dated the 5th March, 2007 clearly states that they ".... we came to know that pay channel department has already appointed one MSO to cater to the subscribers in the area where the complaint sought to install the decoder ..." and this clearly indicates that the details of area of operation of M/s Dooars Cable Network, being the complainant, were known to M/s. ETV Network but the same was not passed on by M/s ETV Network, being the broadcaster, to their multi system operator, nor did they ensure that the multi system operator appointed by them acted in a manner that is consistent with the obligations placed on the broadcaster under the proviso to clause 3.4 of the principal regulation;

(c) that M/s ETV Network, being the broadcaster, failed to ensure that the multi system operator appointed by it complied with the provisions of clause 3.5 of the principal regulation (as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006), which *,inter alia* , requires that –

(i) any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request;

(ii) in case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum ;

(iii) the time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa;

19. Now, therefore, in exercise of the powers conferred upon the Telecom Regulatory Authority of India under section 13, read with clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and for the reasons mentioned in the preceding paragraph, the Telecom Regulatory Authority of India, without prejudice to the show cause notice issued vide F.No.3-25/2007-B&CS dated 24.9.2007 (annexed as Annexure XIV to this Direction), hereby directs M/s ETV Network to ----

(a) to take immediate steps for providing signals of the ETV Bangla channel to M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101; and

(b) furnish, within seven days of issue of this Direction, a compliance report regarding supply of such signals to M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101.

(R. N. Choubey)
Principal Advisor (B&CS)
Fax: 23220442

To

Shri K. Bapineedu Chowdary,
Vice-President – Operations,
Ushodaya Enterprises Private Limited,
SP III Building, 3rd Floor, Ramoji Film City,
Hyderabad – 501512.
Fax: 08415-246408

Copy to:-

M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101 for information.

(R. N. Choubey)
Pr. Advisor (B&CS)



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ino.1 (R)

ANNEXURE-I

Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

4933669042

Ref. No.

Office of Chairman (TRAI)
Diary No.
Date

Date 13.02.2007

To
Shri Avijit Sanyal,
Nodal Officer (TRAI),
Joint Secretary & Ex-officio,
Director of Film,
I and CA Department,
Writers building
Kolkata-700001.



2/2
Adv (B & CS)
Adv (B & CS)
42
20/02

Office of Advisor (B & CS)
498-C 2/2

Dear Sir

Sub: Appeal for intervention

We are taking the opportunity to let you know the followings for your kind information.

We are the registered cable operator of Jalpaiguri town, West Bengal with registration no 24, having service tax registration no 64/COS/ST/Jal/2005 along with the registration of the West Bengal Entertainment-cum-Amusement Tax Rules vide certificate of registration no 109. Since the year 1996, we have been maintaining this business.

In recent times, we have completed the undermentioned processings for getting signal of ETV Bangla channel.

We paid Rs. 5500=00 to the ETV Bangla Kolkata Office vide D/D no 260989, dt 19.8.06 towards the cost of decoder box responding their notice^{WGO} published in daily news paper.

Vide our letter dt 7.11.06, we intimated them our revised offer- Rs. 20,000=00 per month as subscription for ETV Bangla channel.

Contd Page-2

Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref. No.

Page-2

Date

Subsequently we sent two letters dt 29.01.07 and 12.2.07 with a request to issue us the said box as well as allow us for completing the necessary agreement for getting uninterrupted signal of the said channel.

Apart from above we also maintained telephonic contact regularly with the official- Mr. Biswas Gula Roy - Manager Distribution, ETV Bangla.

At present, we can not make any contact with any Officials when it is observed that the other network has got the signal of ETV Bangla.

Now due to above discrepancy, we have been facing a lot of trouble since the channel had been with our network since its beginning.

Regarding ourselves, there are almost 25 families are attached with this cable network and in the competitive atmosphere when this channel is not available with our network, it will be very difficult to run our Organization successfully and obviously, we shall feel a danger because our business is mainly spread in Bengali region.

Under the above circumstances, we would appeal to you to intervene so that the administration of ETV Bangla is forced to adopt a logical stand and we could get justice.

Thanking you.

Encls: The letter dt 12.2.07, the D/D.

Yours Sincerely
Ranab Sarkar
Proprietor.

✓ Copy to Mr. Nripendra Misra, Chairperson, TRAI, Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College), Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110002, for information and taking a suitable action.



Dooars Cable Network



329360 3 9933669042
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref. No.

Date 12.02.2007.

To
Shri Biswajit Guha Roy,
Manager Distribution,
ETV Bangla,
Ushodaya Enterprises Ltd.
55B, Mirza Galib Street,
Kolkata - 700016.

Dear Sir

Sub: Appeal for allowing us for
agreement in respect of
your ETV Bangla channel.

On the above subject, we sent you
a letter dt 07.11.2006 offering Rs. 20,000/- per
month for getting signal of ETV Bangla channel

Subsequently, we also sent a letter dt
29.01.2007 to you for the same reason. However,
we have not received any response till date from
you.

Besides above, we have also made
telephonic contact with you and got a response to
hold patience for few days on every occasions.

At our end, due to non-availability of
ETV Bangla signal, we can not satisfy our customers
properly since for several years it has been available
with us.

Considering all above, we would cordially
appeal you to allow us for an agreement as
per our above offer so that we get uninterrupted
ETV Bangla signal in our cable network.

Yours faithfully
Pranab Sarkar

Copy to

1. The Nodal Officer (TRAI), I & C A Deptt, Writers Bldg. Kol-01.
2. The Chairperson (TRAI), Mahanagar Dooarsanchar
Bhawan, Jawaharlal Nehru Marg, New Delhi-110002.



सत्यमेव जयते

ANNEXURE - II

S.No. 2 (Ann)

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

F.No.3-25/2007- B&CS

Dated February 23, 2007

To

Shri K. Bapineedu Chowdary,
Vice-President – Operations,
ETV Network,
Ramoji Film City,
Hyderabad – 501512.
Fax: 08415-246408

Subject: Complaint filed by M/s. Dooars Cable Network, Ukilpara, Jalpaiguri reg. non-supply of ETV Bangla signal.

Sir,

Telecom Regulatory Authority of India (TRAI) is in receipt of a letter dated 13.2.2007 from M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri on the subject mentioned above (Copy enclosed).

You are requested to convey your comments on the issues raised in the letter to this office latest by March 05, 2007

Yours faithfully,

Encl: as above

(Rakesh Gupta)

Jt. Advisor (B&CS)

Fax No. 23220442

S.No. 6 (R)

ANNEXURE - II

USHODAYA ENTERPRISES LIMITED

TELEVISION DIVISION

By Fax / Registered Post Ack. Due

05.03.07.

To
Mr. Rakesh Gupta,
Jt. Advisor, (B&CS),
Telecom Regulatory of India
Mahanagar Door Sanchar Bhawan,
(Old Mint Road)
New Delhi 110 002.

Subject: - Complaint filed by M/s. Dooars Cable Net Work, Ukilpara,
Jalpaiguri. Re- Non- supply of ETV Signals.

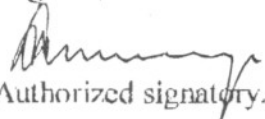
* * *

With reference to the subject matter, this is to inform that it is true that he has sent a Demand Draft No. 260989 dated 19.08.06 towards the cost of the decoder.

At this juncture, this is to inform you that we have received innumerable applications for supply of decoders of ETV-Bangla and with a view to allot decoder to the complainant we have encashed the Demand Draft sent by the complainant. But later, we came to know that pay channel department has already appointed one MSO to cater to the subscribers in the area where the complaint sought to install the decoder. "The said fact was informed to the complainant orally through our field staff.

We have already returned the amount paid for decoder to the complainant with simple interest and have advised him to take signals from the MSO. The MSO has also advised to provide signals to the complainant after entering into an agreement.

Regards,


Authorized signatory.

RAMOJI
F.I.L.M.C.I.T.Y

R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408



S.No. 7 (One)

ANNEXURE - III

12

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

Registered / AD

F.No.3-25/2007-B&CS

Dated March 09, 2007

To

Shri Pranab Sarkar,
Dooars Cable Network,
Arati Complex, M.G. Road,
Ukilpara,
Jalpaiguri -35 101, (West Bengal.)

Subject: - Complaint against M/s. TV Network.

Sir,

Please refer to your letters dated 13.02.2007 & 5.3.2007 on the subject mentioned above. The matter was taken up with M/s. ETV Network (Ushodaya Enterprises Limited). Their response has been received, which is self explanatory. Copy of the same is enclosed herewith.

In case you have any comments in the matter, the same may be sent by 28.3.2007.

Yours faithfully,

Encl: as above

(Rakesh Gupta)
Jt. Advisor (B&CS)
Fax:23220442



Doors Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

S.No 8 CR

ANNEXURE-TV

329360
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

9933669092

24

Ref. No.

Date 21.03.2007

To
Shri Rakesh Gupta
Jt Advisor (BSCS)
Telecom Regulatory Authority of India,
Mahanagar Doorsanchat Bhawan,
Jawahar Lal Nehru Marg,
Cold Minto Road),
New Delhi-110002



Dear Sir

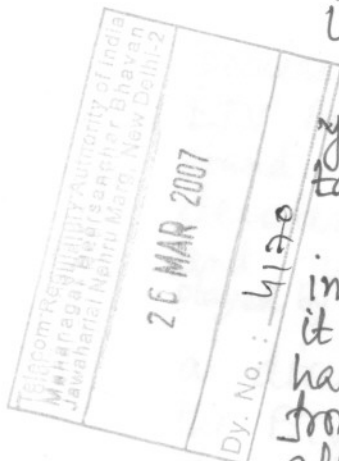
Sub: Your letter ref: F.No.3-25/2007-
BSCS dated 09.03.2007 on the
Subject of ETV Bangla signal.

On today, we have received your above
valued letter along with the comments of Ushodaya Enterprises
limited vide letter dated 5.3.2007.

Responding above, we would like to let
you know the followings for your kind information and
taking an immediate action.

1. We have not received yet any amount
including simple interest from ETV Authority till date as
it has been claimed by them. Similarly, no advice
has also been received mentioning to take signal
from the MSO in our area. However immediately
after receiving the above direction, we have written
a letter to the Jalpaiguri Cable Communication presuming
that this network would provide us the necessary
signal on proper agreement. The copy of the letter
dt 21.3.2007 is also enclosed for your kind infor-
mation. We also do not know whether ETV Authority
has issued any letter to the above network separately.
ETV Authority could not also provide any documentary evidence in
their support.

2. The most important fact is that the
above network and we have been maintaining separate
control rooms in a particular area. Both having
separate licences for organizing a same nature of
business. We pay separately the entertainment and



26 MAR 2007

Dy. No. : 4120

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Date 21.03.2007

service taxes. Hence, there is a friendly competition between we and the JCC. At this juncture whether it is possible that they would extend hand for our help & support. In every corner of Jalpaiguri town, there are two operators - one belongs to DGN & another is for JCC and at present the field staffs of JCC are constantly trying to encash this situation and convincing our valued customers to get touch with them as we shall never get the said signal according to their opinion. We also honestly confess that a percentage of customers have already changed the connection.

Sir, we surely believe that it is a lingering process which we are being forcibly followed as the ETV Authority is deliberately taking such impractical stand. Since, they are still holding our fund, the decoder box can easily be provided to us with proper and justifiable agreement. Unfortunately, a got-up game is being played by them jointly in order to establish a monopoly system. Sir, please consider all above and make a direction to the ETV officials to provide us the ETV Bangla signal directly. We have a faith on you and your Department only. Your logical direction can not be ignored by any broadcaster or any licenced network.

Sir, please help us.



Yours faithfully
Pranab Sarker
Proprietor,
Dooars Cable Network
Jalpaiguri.



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

329260 26 993366704
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

Ref. No.

Date 21.03.2007

To
The Director,
Jalpaiguri Cable Communication,
Kohinoor Building,
Thana More,
Jalpaiguri-735101



Dear Sir

Sub: Signal of ETV Bangla

On today we have received a letter ref. F.No.3-25/2007-B&CS dated 09.03.2007 from Telecom Regulatory Authority of India, New Delhi 110002, along with a compliance dated 05.03.2007 of Ramoji Film City (Ushodaya Enterprises Limited) originally sent to the Jt Advisor (B&CS), TRAI as a response of their earlier letter dated 23.02.2007.

According to the above letters of both the administrations we have been directed to get the signal of ETV Bangla on proper agreement from the MSO having availability in the area where we maintain our network. As far as our knowledge goes we understand that your network is the that MSO.

Considering above, we would ask you to let us know in writing the necessary processing within 3(Three) days from the receipt of our letter in order to enable us to get the signal of ETV Bangla from your end and simultaneously complete the logical and acceptable agreement for the both end.

It is needless to mention here that if we have not received any compliance from your end ^{within the time schedule}, we shall take a conclusion that either the your network is not the that MSO or you are very much reluctant to make any positive response.

Contd-Page 2



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref. No.

Page 2

Date 21.03.2007

We would also like to state this that the entire processing is known to the authorised ETV Bangla distributor of Jalpaiguri District - Mr. Dipankar Das and if you have any doubt, you may get any sort of confirmation from him.

Thanking you and expecting your reply within the time schedule.

Encls: The letter dt 5.3.07 of
Ushodaya Enterprises
Limited.

Yours faithfully
Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri

Copy forwarded to

1. The Jt Advisor (BRCS), TRAI, New Delhi - 110002 for information & taking necessary action.
2. The District Magistrate, Jalpaiguri District for his kind information.
3. The Superintendent of Police, Jalpaiguri District, Jalpaiguri for his kind information.
4. Mr. Dipankar Das, Distributor of ETV Bangla network for his information. He is also requested to involve into the matter and help us to get a conclusion which is logical & impartial.



Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

S.NO-9(R)

329360

28

9933669042

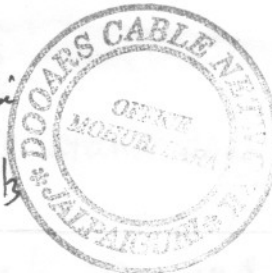
Phone : 03561-224832, Cell : 94343-66802, 92324-72313

E-mail : dooarscable@rediffmail.com

Ref. No.

Date 27.03.2007

To
Shri Rakesh Gupta
Jt Advisor (B & CS),
Telecom Regulatory Authority of India,
New Delhi - 110002
Fax - 011-23220442
Dear Sir



Sub: The signal of ETV Bangla channel

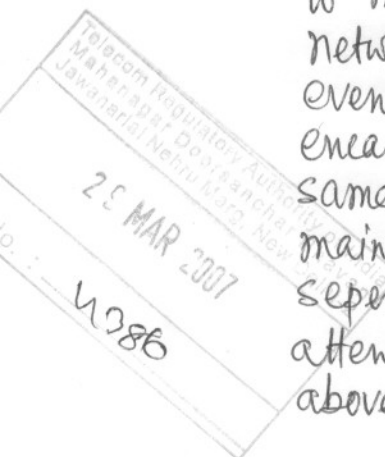
In continuation with our previous letter dated 21.03.2007, the following are being intimated to you.

a. The Jalpaiguri Cable Communication pvt Ltd has not responded yet to our letter dated 21.03.2007, received by them on 22.3.2007. This network is the said MSO as mentioned in the ETV letter dated 5.3.2007 originally addressed to you stands confirmed by their Jalpaiguri field staff. We also undertake, if we get any reply later on, the same will be placed before you as intant.

b. According to ETV letter dated 5.3.2007, it stands established that our demand is legitimate. At the same time, it is not understood to us why we are to depend upon another network for getting the signal especially when the said network does also maintain business at the same area. We seriously feel that this solution will lead a definite problem in future. It could be more painful to us if ETV & the said network fail to maintain a good commercial relation or the said network gets tied up with others. We can not ignore such eventuality. We still understand that when ETV stands encashed the cost of decoder box, our right of having the same never be restrained. As a permanent solution and maintaining a trouble free relation with both of us separately, the said Authority could easily pay the same attention. We simply can not understand in spite of all above practical arguments, a complicated solution is being

Contd Page-2

766/JA(B&CS)
20/3/07





Dooars Cable Network



329360 29 9933669042
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref. No.

Date 27.03.2007

Page-2

offered. This stand does surely give a privilege to the said network.

Sir, only due to you and your Department's efforts, an almost denial case is presently getting a smell of a logical end. please instruct them to issue us the decoder box and allow us to complete a justifiable agreement cancelling the present conclusion. We have been loosing our valued customers day by day and if this pre-planned game does continue for some more days, a great loss according to our Organization is to be faced by us and at the same time, all the people who are with a cable network will be extorted through this un-official monopoly system is being tried to impose.

Sir, your immediate intervention in order to reach a happy end for all of us is highly appreciated. At present we have nothing to do only to put our hands together before you. Please help us.

Yours faithfully

Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri





Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

329360

30

9933669092

Phone : 03561 224832, Cell : 94343-66802, 92244 72313

E mail : dooarscable@rediffmail.com

J No-10(R)

Ref. No.

Date 07.04.2007

Fax no- 011-23220442

To
Shri Rakesh Gupta
IT Advisor (B2CS)
Telecom Regulatory Authority of India
New Delhi-110002



Dear Sir

Some more of our opinion and information,
we would like to intimate you for your kind consideration.

A. Till now we have not received any response from the MSO (TCC Pvt Ltd) of our town against our letter dt 21.3.07 as it should have been done according to the ETV letter dt 5.3.07 originally written to you. Similarly, we have not yet been paid any fund from ETV Kolkata Office as it was informed to you by them. It is beyond our appreciation that why they have made such damn lie statement to you.

B. For the last 15 days, we have been trying to make contact with the Area Manager of ETV - Mr. Biswajit Guha Roy (mobile no 93310-8 2200) seating at Kolkata Office over telephone but he is not receiving our calls due to no reasons. We are also maintaining contact with the field staff of ETV at Jalpaiguri District due to obligation - Mr. Dipankar Das (Ray) mobile no - 93329-86728, whose statement is so destructive. According to him - TRAI can not give any direction to ETV Authority directly. To provide signal of ETV Bangla is purely a discretion of them. Even, if any request is made by TRAI which creates any hope for us, a fabulous fund will be demanded which we can not afford. We know that according to official documents, the another network of our town got ETV by paying a nominal amount per month. He also says that only court can make an intervention into the entire proceedings if we go the said platform. But a considerable ^{Period} will be required to get justice, before that we obviously will loose our all hopes.

Contd Page-2



Dooars Cable Network



329360 31 993366904
Phone : 03561 224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref No.

Date 07.04.2007

Page-2

Regarding Dipankar, we have also collected information which is - he is a cable operator of J.C.C. Pvt Ltd. It may be that according to papers, he is not directly attached. But, it is true that a particular area of Jalpaiguri is directly supervised by him for cable programme of the said network. Now it is quite clear that this type of coloured person does not know to take an impartial stand. Obviously our operators get furious.

C. Our nearer town is Siliguri where the picture is so different. Different networks having separate control rooms have been issued separate decoder box and through a justifiable agreement executed independently all of them holding ETV Bangla Channel. Unfortunately, at Jalpaiguri, we feel that Mr. Dipankar Das is the ultimate Authority and due to him we shall never get the same. It can not be proved but assessed that any lucrative deal stands done at any level which never be broken at any cost.

It is becoming clear that ETV Authority and JCC Pvt Ltd both will not provide the signal of ETV Bangla and our deposited fund might be misappropriated even after your appropriate efforts.

Sir, please inform us what we should do further. We still desire to have the above signal directly from ETV even we are to pay more fund per month in comparison to have the same from the MSO because the said MSO is presently guided by Mr. Das and it will be a continuous disturb for us. Moreover, we want to register a win against all odds only due to a memorable support of you and your Department for which we will be grateful forever.

Sir, We are still ignoring the words of Mr. Das and looking for your next course of action. Please expedite.

Yours faithfully
Francis Sarkar
Proprietor
Dooars Cable Network



सत्यमेव जयते

18
ANNEXURE - V
भारतीय दूरसंचार विनियामक प्राधिकरण
महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

F.No.3-25/2007-B&CS

Dated April 13, 2007

To

Shri K. Bapineedu Chowdary,
Vice-President – Operations,
ETV Network,
Ramoji Film City,
Hyderabad – 501512.
Fax: 08415-246408

Subject: Complaint filed by M/s. Dooars Cable Network, Ukilpara, Jalpaiguri reg.
non-supply of ETV Bangla signal.

Sir,

Please refer to the correspondence resting with your letter dated 5.3.2007 on
the subject mentioned above.

The comments of the complainant (M/s. Dooars Cable Network, Jalpaiguri)
has now been received vide their letters dated 21.3.2007, 27.3.2007 & 7.4.2007
(copies enclosed) on your response dated 5.3.2007. You are requested to clarify the
position on the issues raised in the enclosed letter to this office latest by April 26,
2007.

Encl: as above

Yours faithfully,

(Rakesh Gupta)
Jt. Advisor (B&CS)
Fax No. 23220442

S. 11 (K) ANNEXURE - VI 33

USHODAYA ENTERPRISES LIMITED

TELEVISION DIVISION

By Registered Post Ack.due/Fax.

Dt: 26.04.07

To
Joint Advisor (B&CS),
Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Mint Road,
New Delhi 110 002.

Kind Attention Mr. Rakesh Gupta.

Sir,

Sub: - Complaint filed by M/s. Dooars Cable Network, Ukilpara,
Jalpaiguri reg. Non-supply of ETV Bangla Signal.

Ref:- F. No. 3-25/2007-B&CS dated 13,16th April, 2007.

In response to the complaint of M/s Dooars Cable Network, Ukilpara, Jalpaiguri we have to state as under:

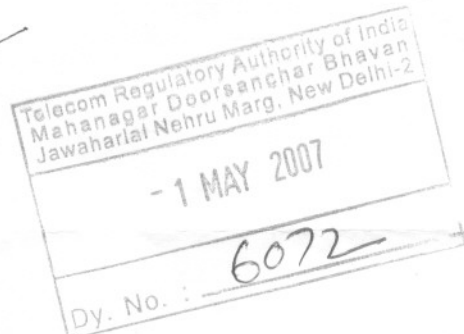
1. Our effort of returning a Demand Draft was in vain and the registered letter was returned as "addressee not found" by the postal department.
2. We have informed concerned MSO Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101 to provide signal but complainant for the reasons best known to him is avoiding to receive the signals from the MSO.
3. We reserve our right in replying to the personal comments made against our area manager and distributor.
4. The complainant has even refused to accept the returned cover in person from our Kolkata Office, when they visited the office. We request you to inform the complainant to collect the same in person from our Kolkata Office or alternatively, we are ready to deposit the same in your good office for returning the same to the complainant.
5. As informed to the complainant we are always ready and willing to provide signals through our MSO Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101.

Yours truly,

Ushodaya Enterprises Limited,
Television Division,


Authorized Signatory.


RAMOJI
F.I.L.M C.I.T.Y



R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

ANNEXURE - VII

329360

9933669042

Phone : 03561-224832, Cell : 94343-66802, 92324-72313

E-mail : dooarscable@rediffmail.com

36

Ref. No.

Date 09.05.2007

To
Shri Rakesh Gupta
Jt Advisor (B&CS)
Telecom Regulatory Authority of India,
New Delhi - 110002

Fax/Letter

No. 23220442

1023/DA 1208
15-5-07

Dear Sir, Sub: Granting signal of ETV Bangla channel
Without prejudice to our rights contention, we
would like to state the followings for your kind information and
taking a sympathetic decision at the earliest.

As per the letter of Ushodaya Enterprises Limited
dt 5.3.07, originally addressed to you, it is clear that the
MSO - Jalpaiguri Cable Communication Pvt. Ltd, Thana Road,
Rohinor Building, Jalpaiguri-735101 was instructed by the ETV
Network to provide us the signal of ETV Bangla on or
before 5.3.2007. Till date i.e. more than 2 months have
gone, they have not made any reply or taken any
assertive steps. We understand that it is a clear
violation of TRAI rules and regulations.

At this juncture, we would request you
to take the necessary action so that we could get the said
signal at the earliest through a logical and justifiable
agreement based on true connectivity of our network. At
present we are passing through a so complicated situation
and if this channel is not attached shortly, we surely
would not survive in the present competitive atmosphere
and a monopoly structure shall become a scenario at
Jalpaiguri town for which the broadcaster and the MSO
have jointly been trying their best.

Sir, only your active co-operation is our
support and strength.

Please make any correspondence to us
through Fax nos - 03561- 221846/226302
for earliest receipt.

Yours faithfully
Pranab Sarkar,
Proprietor



NON EXCISE - VIII 34
§ No-12 (12/12)

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,

(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,

(Old Minto Road), New Delhi-110002

Fax : 91-11-23213294

Registered A/D

F.No.3-25/2007-B&CS

Dated 16th May, 2007

To,

Shri K. Bapineedu Chowdary,
Vice-President-Operations,
ETV Network,
Ramoji Film City,
Hyderabad – 501 512

Subject:- Complaint filed by M/s Dooars Cable Network, Ukilpara, Jalpaiguri
regarding non-supply of signals of ETV Bangla channel

Sir,

Please refer to Telecom Regulatory Authority of India (TRAI) letter of even number dated 13.4.2007 and your response thereto dated 26.4.2007 on the subject mentioned above.

2. TRAI is in receipt of another letter dated 9.5.2007 from M/s Dooars Cable Network, a copy of which is enclosed.

3. With reference to the contents of the enclosed letter, your attention is drawn to the provisions of clause 3.5 of the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) dated 4.9.2006 which is reproduced below:-

“3.5 Any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request. In case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum.

Contd.../2

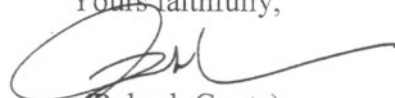
:2:

Explanation

The time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa."

4. You are, therefore, requested to clarify the position in this regard by 30.5.2007.

Yours faithfully,



(Rakesh Gupta)

Joint Advisor (B&CS)

Fax No. 2322 0442

S.No/4 (R)

ANNEXURE - IX

48

USHODAYA ENTERPRISES PRIVATE LIMITED

By Fax / Registered Post Ack. Due

29.05.07.

To
Mr. Rakesh Gupta,
Jt. Advisor, (B&CS),
Telecom Regulatory of India
Mahanagar Door Sanchar Bhawan,
(Old Mint Road)
New Delhi 110 002.

Subject: - Complaint filed by M/s. Dooars Cable Net Work, Ukilpara,
Jalpaiguri. Re- Non- supply of Signals of ETV Bangla Channel.

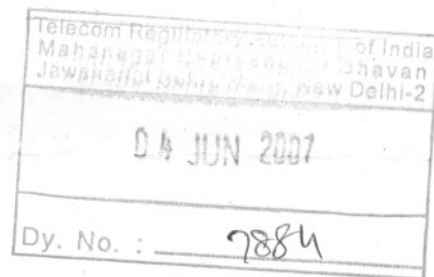
Ref: - F.No. 3-25/2007-B&CSd 16.05.07.

With reference to the above letter under reference, we are enclosing herewith the copies of correspondence exchanged by the MSO to the complainant, which is self explanatory.

This is for your information.

Yours truly,
Ushodaya Enterprises Pvt Ltd.,
Television Division,

Authorized signatory,



Encl: a/a.

RAMOJI
F.I.L.M C.I.T.Y

R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408



JALPAIGURI CABLE COMMUNICATION PVT. L

KOHINOOR BUILDING , THANA MORE

JALPAIGURI , PIN- 735101

Phone:- (03661) 221996 / 220962

Regd. No. 21-91701

Ref. No.....

Date 26-05-07

To
Sri Pranab Sarkar
Prop. Dooars Cable Network
Muhuri Para , Jalpaiguri

Ref. Your letter dated :- 21/03/07

Dear Sir

We have already issued a letter on 24th May 07 in this contest.
are sending this letter for your kind information, that we are ready to discuss
you regarding the signal of E-TV Bangla from our end.
Kindly Inform us the date of discussion about this matter.

Thanking You.

Yours faithfully

(Director)

Jalpaiguri Cable Communication Pvt. Ltd.

Copy to :- Mr Biswajit Guha Roy, Ushodaya Enterprise Pvt Ltd Television Division Kolkata .



JALPAIGURI CABLE COMMUNICATION PVT. LTD.

KOHINOOR BUILDING, THANA MORE

JALPAIGURI, PIN- 735101

Phone:- (03561) 221996 / 220962

Regd. No. 21-91701

Ref. No.

Date. 24.05.07

To,
Sri Pronab Sarkar
Prop : Doars Cable Network
Muhurpara,
Jaipalgun.

Ref : Your Letter dated 21/03/07

Dear Sir,

We have received your letter longback but our Board of Directors had no Immediate Meeting and any at the schedule meeting of our Board of Directors dated 20/05/07 the matter could be placed and after long deliberation in the same meeting of the board, it was decided that since in your letter under reference you did not specify your area of operation within Jalpaiguri District and no commercial terms & conditions should not be specified in your letter, hence our Board was unable to give any decision in the matter.

You would definitely appreciate that without knowing your area of operation & conditions within district, no decision can be taken in the matter.

Thanking you,

Yours faithfully,

Director
Jalpaiguri Cable Communication Pvt.Ltd.
Jalpaiguri.



Copy to:

- 1) Mr. Biswajit Guha Roy, Ushodaya Enterprise Pvt. Limited, Television Division, Kolkata - 16
- 2) Mr. Rakesh Gupta, Jr. Advisor (B&CS), TRAI, New Delhi - 110002
- 3) District Magistrate, Jalpaiguri District, Jalpaiguri.
- 4) The Superintendent of Police, Jalpaiguri District, Jalpaiguri.
- 5) Mr. Dipankar Das, Distribution Dept. of ETV Bangla.



सत्यमेव जयते

ANNEXURE - X

51

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

Registered / AD

F.No.3-25/2007-B&CS

Dated June 19, 2007

To

Shri Pranab Sarkar,
Dooars Cable Network,
Arati Complex, M.G. Road,
Ukilpara,
Jalpaiguri -35 101, (West Bengal.)

Subject: - Complaint against M/s. ETV Network.

Sir,

Please refer to your letter dated 9.5.2007 on the subject mentioned above. The matter was again taken up with M/s. ETV Network (Ushodaya Enterprises Limited). Their response has been received, wherein it has been mentioned that the area of operation of your cable network was not specified in your letter to the MSO and therefore the MSO was unable to give any decision in the matter. Copy of the same is enclosed herewith.

In case you have any comments in the matter, the same may be sent by 29.6.2007.

Yours faithfully,

(Rakesh Gupta)
Jt. Advisor (B&CS)
Fax:23220442

Encl.: as above



Doors Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101, West Ben

Ref. No.

Fax/Courier Service

Date 19.06.20

To
Shri Rakesh Gupta,
Jt Advisor (B & C),
Telecom Regulatory
New Delhi-110002
Fax- 011-2322 0442

Telecom Regulatory Authority of India Mahanagar Doorsanchar Bhavan Jawaharlal Nehru Marg, New Delhi-2
21 JUN 2007
Dy. No. : 2740

1256 / 2A R 2es
22.6.07

[Signature]
2/6

SRG-I

[Signature]
2/6

Dear Sir

Sub: Your letter no 3-25/2007-BE
19.6.07 on the subject of
signal of ETV Bangla for

In response to your above referred
We would like to intimate you the following facts for
active consideration and taking a decision at
earliest.

1. Responding the news paper notice of
Kolkata Office, we made a correspondence dt 19.8.06
with the information of our location, connectivity a
with the D/D towards the cost of pay decoder box
above was received on 23.8.06 that means, the
of operation and the connectivity were well infor
by us to them through this correspondence.

After that the field staff and the
managers-Mr. Biswajit Guha Roy both started bargaining
for increasing the connectivity and finally we reach
to a conclusion of informing connectivity equivalent
the amount of Rs. 20,000/- per month as subscription
to them. Our written confirmation regarding this
informed to them vide our letter dt 7.11.06, sent through
fax on 8.11.06 as well as through courier service &
was received by them on 10.11.06. These statistics
informed to you in brief vide our letter dt 13.2.07.

More-over, the ETV Authority acknowledged
our area of operation to you vide their letter dt 5.3.07
and this information was also confirmed to the MSO
who was supposed to provide the signal



Dooars Cable Network



56

329360 9933669092
Phone : 03561-224892, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101, West Bengal

Ref. No.

Date 19.6.2007

Page - 2

according to the said ltr. We, when got this information, also written a ltr to the MCO dt 21.3.07 confirming that we have been maintaining the same business at the identical area. This ltr was received on 22.3.07

Hence we understand that (1) area of operation is clearly known by the ETV Authority and was also acknowledged earlier to you and (2) Subscription charge was informed and also received in due course of time at ETV Authority. So, their argument of non-informing the above does not belong any logical value.

Sir, We also appreciate that the above would equip you ^{with} the required data and a concluding direction of providing the direct signal by the ETV Authority could be made at your end.

Since we have been loosing the connectivity, we made appeal to grant connectivity as 840 vide our fax dt 12.6.07 sent to you.

All relevant document as photocopy are attached with this ltr for your ready reference

Encls: ltr dt 19.8.06,
7.11.06, 5.3.07
and 21.3.07 of
different Authorities
with acknowledgements.

Yours faithfully
Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri.



ANNEXURE - X/II

8 mo - 16 cm

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

F.No.3-25/2007-B&CS

Dated June 29, 2007

To

Shri Bapineedu Chowdary
Vice President - Operations
ETV Network,
Ramoji Film City,
Hyderabad - 501512.
Fax: 08415-246408

Subject: Complaint filed by M/s. Doors Cable Network, Ukilpara, Jalpaiguri reg. non-supply of signals of ETV Bangla Channel.

Sir,

Please refer to the correspondence resting with your letter dated 29.5.2007 on the subject mentioned above.

The comments of the complainant (M/s. Doors Cable Network, Ukilpara, Jalpaiguri) have now been received vide letter dated 19.6.2007 (copy enclosed) on your response dated 29.5.2007. You are requested to furnish your response on the issues raised in the enclosed letter to this office latest by 6.7.2007.

Yours faithfully,

Encl: as above

(Rakesh Gupta)
Jt. Advisor(B&CS)
Fax:26713442

USHODAYA ENTERPRISES PRIVATE LIMITED**By Fax/ R.P.A.D**

Dt: 06.07.07

To
 Mr. Rakesh Gupta
 Jt Advisor (B & CS)
 Telecom Regulatory Authority of India
 Mahanagar Door Sanchar Bhawan
 (Old Minto Road)
 New Delhi-110002

Sub: Complaint filed by M/s. Dooars Cable Network, Ukilpara, Jalpaiguri
 Re. Non-Supply of Signals of ETV Bangla Channel.

Ref: F. No.3-25/2007-B& CS dated 29.05.2007

Sir

That the complainant has made a representation dated 19.06.2007 to your good offices that he has informed the area of operation and also the subscription charges to us which is irrelevant issue as he was to obtain signals through MSO.

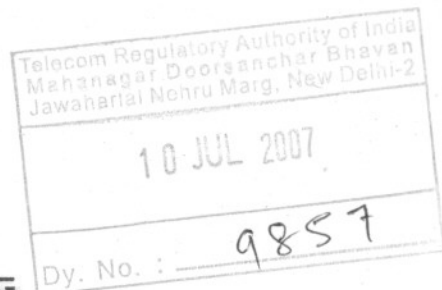
However failed to convey the same to the M.S.O M/s Jalpaiguri Cable Communication Pvt Ltd who is ready and willing to provide the signals of ETV Bangla to M/s Dooars Cable Network subject to negotiating commercial terms and conditions. But M/s Dooars Cable Network instead of approaching them are trying to make out a case by avoiding them i.e M.S.O

We hope the above will clarify the queries of the complainant.

Yours truly

Ushodaya Enterprises Pvt Ltd
 Television Division

Authorized Signatory



RAMMOJI
 F.I.L.M C.I.T.Y

R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408

Annexure- XIV

New Delhi, the 24th September, 2007

NOTICE TO SHOW CAUSE

Subject : Violation of the provisions of clause 3.2, 3.4 and 3.5 of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004)

F.No.3-25/2007-B&CS. -----Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority] has been established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the TRAI Act, 1997) and entrusted discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunications service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39, --

(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification number.S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,

has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority, in exercise of the powers conferred upon it under section 36 and sub-clauses (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 read with the notifications No.39 (S.O No. 44 (E) and 45 (E)) dated 09.01.2004 issued from file No.13-1/2004-Restg by the Government of India under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub-section (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997, made the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004) (hereinafter called the principal regulation) providing for the provision of signals of TV channels by every broadcaster on non-discriminatory terms to all distributors of TV channels;

4. And whereas clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) provides as under:-

“3.5 Any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request. In case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum.

Explanation

The time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa.”

5. And whereas the Authority received on the 20th February, 2007 in its office a copy of the complaint dated the 13th February, 2007 from M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101 (hereinafter referred to as M/s Dooars Cable Network), addressed to the Nodal Officer (Shri Abijit Sanyal), Kolkata (annexed as Annexure I to this Notice) complaining about non-supply of signals of ETV Bangla to their cable network by authorities of ETV channel, being M/s Ushodaya Enterprises Limited, having their head office at Ramoji Film City, Hyderabad – 501512, (hereinafter referred to as ETV Network);

6. And whereas the Authority vide its letter No.3-25/2007-B&CS dated the 23rd February, 2007 requested M/s. ETV Network, being the broadcaster, to convey their comments on the issues raised in the said complaint and M/s. ETV Network vide their letter dated the 5th March, 2007 (annexed as Annexure II to this Notice) in response to the said letter of the Authority, informed it, *inter-alia*, that M/s. ETV Network, being the broadcaster, with a view to allot a decoder to the complainant, encashed the demand draft sent by the complainant but later on they came to know that the pay channel department had already appointed one multi system operator to cater to the subscribers in the area where the complainant, being M/s Dooars Cable Network sought to install the decoder and that they had already returned the amount paid for decoder to complainant with simple interest and advised him to take signals from the multi system operator and that the multi system operator had also been advised to provide signals to the complainant after entering into an agreement;

7. And whereas the Authority, vide its letter dated the 9th March, 2007, (annexed as Annexure III to this Notice), forwarded a copy of the letter dated 7th March, 2007 received from M/s ETV Network, being the broadcaster, referred to in the preceding paragraph, to the complainant, being M/s Dooars Cable Network and sought the comments of M/s. Dooars Cable Network on the said letter of M/s. ETV Network, being the broadcaster;

8. And whereas subsequent to the issuance of the letter, dated 9th March, 2007 of the Authority, referred to in the preceding paragraph, M/s. Dooars Cable Network, being the complainant, vide their letters dated the 21st March, 2007, the 27th March, 2007 and the 7th April, 2007 (annexed and

collectively marked as Annexure IV to this Notice) informed the Authority that the complainant did not receive any amount including simple interest from M/s. ETV Network as claimed, and they approached the multi system operator appointed by the broadcaster, namely, M/s. Jalpaiguri Cable Communication but the said multi system operator had not responded to their request;

9. And whereas the Authority, vide its letter dated 13th April, 2007 (annexed as Annexure V to this Notice), forwarded copies of the letters from M/s. Dooars Cable Network dated the 21st March, 2007, 27th March, 2007 and 7th April, 2007, referred in the preceding paragraph, and sought clarification from M/s. ETV Network, being the broadcaster, on the issues raised in the said letters of M/s Dooars Cable Network and in response to the said letter of the Authority dated the 13th April, 2007, M/s. ETV Network, being the broadcaster, vide their letter dated the 26th April, 2007 (annexed as Annexure VI to this Notice) informed the Authority, *inter-alia*, that they had informed concerned multi system operator, being M/s. Jalpaiguri Cable Communication, Jalpaiguri to provide signal but the complainant, for the reasons best known to him, was avoiding to receive the signals from the multi system operator and that M/s. ETV Network were always ready and willing to provide signals through their multi system operator, namely, Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101;

10. And whereas the Authority received another letter dated the 9th May, 2007 from M/s Dooars Cable Network, being complainant (annexed as Annexure VII to this Notice) indicating therein that even after a lapse of two months from the letter dated the 5th March, 2007 of M/s ETV Network, being the broadcaster, referred to in paragraph 6 above, wherein they stated that they had instructed M/s Jalpaiguri Cable Communication Pvt. Ltd. to provide signals to them, the said multi system operator had not taken any steps in the matter nor had they replied to the request of the said M/s Dooars Cable Network;

11. And whereas the Authority had, vide its letter dated the 16th May, 2007(annexed as Annexure VIII to this Notice), forwarded a copy of the letter dated the 9th May, 2007 of M/s Dooars Cable Network, being the

complainant, as referred to in the paragraph 10 above, to M/s ETV Network and drew the attention of M/s. ETV Network to the provisions of clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) and sought clarification from M/s. ETV Network on their position;

12. And whereas in response to the letter of the Authority referred to in the preceding paragraph, M/s. ETV Network vide their letter dated the 29th May, 2007(annexed as Annexure IX to this Notice) forwarded copies of two letters dated the 24th May, 2007 and the 26th May, 2007, being the correspondence exchanged by the multi system operator, with the complainant;

13. And whereas upon perusal of the letters of the multi system operator referred to in the preceding paragraph it was observed that the multi system operator had,--

(a) in the letter dated the 24th May, 2007 to M/s Dooars Cable Network, being the complainant, indicated that they had received a letter of M/s. Dooars Cable Network, being the complainant long back but their Board of Directors had no immediate meeting and it was decided, in the meeting of their board held on the 20th May, 2007, that since M/s Dooars Cable Network, being the complainant had not specified in its letter the area of their operation within Jalpaiguri District and no commercial terms and conditions had been specified, they were unable to give any decision in the matter; and

(b) in the letter dated the 26th May, 2007 to M/s Dooars Cable Network, being the complainant, it was stated that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had issued a letter on the 24th May, 2007 to the complainant and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. informed M/s. Dooars Cable Network that they were ready to discuss with M/s. Dooars Cable Network regarding the signals of ETV Bangla and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had requested M/s. Dooars Cable Network to inform the date of discussion about the matter;

14. And whereas the Authority, vide its letter dated the 19th June, 2007(annexed as Annexure X to this Notice), forwarded the response of M/s. ETV Network, as referred to in the preceding paragraph 13, to M/s. Dooars

Cable Network, being the complainant for seeking their comments in the matter;

15. And whereas in response to the letter of the Authority dated the 19th June, 2007 referred to in the preceeding paragraph, M/s. Dooars Cable Network, being the complainant vide their letter dated the 19th June, 2007 (annexed as Annexure XI to this Notice), informed the Authority that –

(a) all the required details such as their location, connectivity were indicated in their correspondence with M/s ETV Network vide letter dated the 19th August, 2006 which was received by M/s ETV Network on the 23rd August, 2006 and thus the area of operation and the connectivity of M/s Dooars Cable Network were thus informed by them to M/s ETV Network;

(b) the field staff and area manager of M/s ETV Network had been bargaining for increasing the connectivity of M/s Dooars Cable Network, complainant and accordingly, they had informed a connectivity equivalent to rupees twenty thousand per month as subscription to M/s ETV Network and this had been confirmed to M/s ETV Network vide their letter dated the 7th November, 2006 which was received by M/s ETV Network on the 10th November, 2006 and thus, both the area of operation and subscription charge had been duly informed to M/s ETV Network; and in support of their contentions, in (a) and (b) above, also enclosed a number of documents, namely copies of their letters dated the 19th August, 2006 and 7th November, 2006, and a letter of M/s ETV Network dated the 5th March, 2007, etc.;

16. And whereas the Authority, vide its letter dated the 29th June, 2007(annexed as Annexure XII to this Notice), forwarded a copy of the letter dated the 19th June, 2007 from M/s. Dooars Cable Network referred to in the preceding paragraph, to M/s. ETV Network asking them to convey their comments on the issues raised in the said letter of M/s. Dooars Cable Network;

17. And whereas in response to the letter of the Authority dated the 29th June, 2007 referred to in the preceding paragraph 16, M/s. ETV Network, vide their letter dated the 6th July, 2007(annexed as Annexure XIII to this Notice) has, *inter alia*, informed the Authority that the complainant has made a representation dated the 19th June, 2007 to the Authority that he has

informed the area of operation and also the subscription charges to M/s ETV Network “.... which is irrelevant issue as he was to obtain signals through the MSO. However failed to convey the same to the MSO, M/s. Jalpaiguri Cable Communication Pvt. Ltd ...” ;

18. And whereas the Authority has considered the clarifications given by M/s ETV Network, vide their letter dated the 6th July, 2007 referred to in the preceding paragraph which have not been found to be satisfactory for the following reasons, namely:-

(a) that the contention of M/s. ETV Network that the fact of M/s Dooars Cable Network, being the complainant, having informed M/s ETV Network about their area of operation and also the subscription charges is an irrelevant issue as the said complainant was to obtain signals through multi system operator is not acceptable as it is primarily the responsibility of the broadcaster, under clause 3.2 and 3.4 of the principal regulations, as amended from time to time, to provide signals of its TV channels to all distributors of TV channels on a non-discriminatory basis and to ensure, where the signals are provided through an agent or intermediary, that the agent or intermediary acts in a manner that is consistent with the obligations placed on the broadcaster and not prejudicial to competition;

(b) that the contention of M/s ETV Network, being the broadcaster, that M/s. Dooars Cable Network, being the complainant, has not indicated the area of the proposed operation to the multi system operator cannot be accepted as a good reason for non-provision of signals to the complainant, because M/s. ETV Network's letter dated the 5th March, 2007 clearly states that they “....we came to know that pay channel department has already appointed one MSO to cater to the subscribers in the area where the complaint sought to install the decoder ...” and this clearly indicates that the details of area of operation of M/s Dooars Cable Network, being the complainant, were known to M/s. ETV Network but the same was not passed on by M/s ETV Network, being the broadcaster, to their multi system operator, nor did they ensure that the multi system operator appointed by them acted in a manner that is consistent with the obligations placed on the broadcaster under the proviso to clause 3.4 of the principal regulation;

(c) that M/s ETV Network, being the broadcaster, failed to ensure that the multi system operator appointed by it complied with the provisions of clause 3.5 of the principal regulation as inserted by the Telecommunication

(Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006), which, *inter alia*, requires that –

- (i) any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request;
- (ii) in case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum;
- (iii) the time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa;

19. And whereas, the Telecom Regulatory Authority of India, in exercise of the powers conferred upon under section 13, read with clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and for the reasons mentioned in the preceding paragraph, the Telecom Regulatory Authority of India has, vide its Direction F.No.3-25/2007-B&CS dated 24.9.2007 (annexed as Annexure XIV to this Notice), directed M/s ETV Network to ----

- (a) take immediate steps for providing signals of the ETV Bangla channel to M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101; and
- (b) furnish, within seven days of issue of the said Direction, a compliance report regarding supply of such signals;

20. And whereas, as per section 29 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), if a person violates directions of the Authority, such person shall be punishable with fine which may extend to one lakh rupees and in case of second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention

with additional fine which may extend to two lakh rupees for every day during which the default continues;

21. Hence M/s ETV Network is hereby required to show cause, within seven days from the date of receipt of this notice, why action should not be initiated against them, and why a complaint should not be filed by the Authority, as contemplated by section 34 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), before the court to take cognisance of violation of the requirement specified under clauses 3.2, 3.4 and 3.5 of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004) as amended from time to time and if no written statement of explanation is received within the time so allowed, the matter will be proceeded with on the presumption that M/s ETV Network has nothing to offer in defence.

(R. N. Choubey)
Principal Advisor (B&CS)
Fax: 23220442

To

Shri K. Bapineedu Chowdary,
Vice-President – Operations,
Ushodaya Enterprises Private Limited,
SP III Building, 3rd Floor, Ramoji Film City,
Hyderabad – 501512.
Fax: 08415-246408

Copy to:-

M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilara,
Jalpaiguri – 735 101 for information.

(R. N. Choubey)
Pr. Advisor (B&CS)

New Delhi, the 24th September, 2007

NOTICE TO SHOW CAUSE

Subject : Violation of the provisions of clause 3.2, 3.4 and 3.5 of the
Telecommunication (Broadcasting and Cable Services)
Interconnection Regulation, 2004 (13 of 2004)

F.No.3-25/2007-B&CS. -----Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority] has been established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the TRAI Act, 1997) and entrusted discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunications service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39, --

(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification number.S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,

has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority, in exercise of the powers conferred upon it under section 36 and sub-clauses (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 read with the notifications No.39 (S.O No. 44 (E) and 45 (E)) dated 09.01.2004 issued from file No.13-1/2004-Restg by the Government of India under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub-section (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997, made the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004) (hereinafter called the principal regulation) providing for the provision of signals of TV channels by every broadcaster on non-discriminatory terms to all distributors of TV channels;

4. And whereas clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) provides as under:-

“3.5 Any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request. In case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum.

Explanation

The time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa.”

5. And whereas the Authority received on the 20th February, 2007 in its office a copy of the complaint dated the 13th February, 2007 from M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101 (hereinafter referred to as M/s Dooars Cable Network), addressed to the Nodal Officer (Shri Abijit Sanyal), Kolkata (annexed as Annexure I to this Notice) complaining about non-supply of signals of ETV Bangla to their cable network by authorities of ETV channel, being M/s Ushodaya Enterprises Limited, having their head office at Ramoji Film City, Hyderabad – 501512, (hereinafter referred to as ETV Network);

6. And whereas the Authority vide its letter No.3-25/2007-B&CS dated the 23rd February, 2007 requested M/s. ETV Network, being the broadcaster, to convey their comments on the issues raised in the said complaint and M/s. ETV Network vide their letter dated the 5th March, 2007 (annexed as Annexure II to this Notice) in response to the said letter of the Authority, informed it, *inter-alia*, that M/s. ETV Network, being the broadcaster, with a view to allot a decoder to the complainant, encashed the demand draft sent by the complainant but later on they came to know that the pay channel department had already appointed one multi system operator to cater to the subscribers in the area where the complainant, being M/s Dooars Cable Network sought to install the decoder and that they had already returned the amount paid for decoder to complainant with simple interest and advised him to take signals from the multi system operator and that the multi system operator had also been advised to provide signals to the complainant after entering into an agreement;

7. And whereas the Authority, vide its letter dated the 9th March, 2007, (annexed as Annexure III to this Notice), forwarded a copy of the letter dated 7th March, 2007 received from M/s ETV Network, being the broadcaster, referred to in the preceding paragraph, to the complainant, being M/s Dooars Cable Network and sought the comments of M/s. Dooars Cable Network on the said letter of M/s. ETV Network, being the broadcaster;

8. And whereas subsequent to the issuance of the letter, dated 9th March, 2007 of the Authority, referred to in the preceding paragraph, M/s. Dooars Cable Network, being the complainant, vide their letters dated the 21st March, 2007, the 27th March, 2007 and the 7th April, 2007 (annexed and

collectively marked as Annexure IV to this Notice) informed the Authority that the complainant did not receive any amount including simple interest from M/s. ETV Network as claimed, and they approached the multi system operator appointed by the broadcaster, namely, M/s. Jalpaiguri Cable Communication but the said multi system operator had not responded to their request;

9. And whereas the Authority, vide its letter dated 13th April, 2007 (annexed as Annexure V to this Notice), forwarded copies of the letters from M/s. Dooars Cable Network dated the 21st March, 2007, 27th March, 2007 and 7th April, 2007, referred in the preceding paragraph, and sought clarification from M/s. ETV Network, being the broadcaster, on the issues raised in the said letters of M/s Dooars Cable Network and in response to the said letter of the Authority dated the 13th April, 2007, M/s. ETV Network, being the broadcaster, vide their letter dated the 26th April, 2007 (annexed as Annexure VI to this Notice) informed the Authority, *inter-alia*, that they had informed concerned multi system operator, being M/s. Jalpaiguri Cable Communication, Jalpaiguri to provide signal but the complainant, for the reasons best known to him, was avoiding to receive the signals from the multi system operator and that M/s. ETV Network were always ready and willing to provide signals through their multi system operator, namely, Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101;

10. And whereas the Authority received another letter dated the 9th May, 2007 from M/s Dooars Cable Network, being complainant (annexed as Annexure VII to this Notice) indicating therein that even after a lapse of two months from the letter dated the 5th March, 2007 of M/s ETV Network, being the broadcaster, referred to in paragraph 6 above, wherein they stated that they had instructed M/s Jalpaiguri Cable Communication Pvt. Ltd. to provide signals to them, the said multi system operator had not taken any steps in the matter nor had they replied to the request of the said M/s Dooars Cable Network;

11. And whereas the Authority had, vide its letter dated the 16th May, 2007(annexed as Annexure VIII to this Notice), forwarded a copy of the letter dated the 9th May, 2007 of M/s Dooars Cable Network, being the

complainant, as referred to in the paragraph 10 above, to M/s ETV Network and drew the attention of M/s. ETV Network to the provisions of clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) and sought clarification from M/s. ETV Network on their position;

12. And whereas in response to the letter of the Authority referred to in the preceding paragraph, M/s. ETV Network vide their letter dated the 29th May, 2007(annexed as Annexure IX to this Notice) forwarded copies of two letters dated the 24th May, 2007 and the 26th May, 2007, being the correspondence exchanged by the multi system operator, with the complainant;

13. And whereas upon perusal of the letters of the multi system operator referred to in the preceding paragraph it was observed that the multi system operator had,--

(a) in the letter dated the 24th May, 2007 to M/s Dooars Cable Network, being the complainant, indicated that they had received a letter of M/s. Dooars Cable Network, being the complainant long back but their Board of Directors had no immediate meeting and it was decided, in the meeting of their board held on the 20th May, 2007, that since M/s Dooars Cable Network, being the complainant had not specified in its letter the area of their operation within Jalpaiguri District and no commercial terms and conditions had been specified, they were unable to give any decision in the matter; and

(b) in the letter dated the 26th May, 2007 to M/s Dooars Cable Network, being the complainant, it was stated that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had issued a letter on the 24th May, 2007 to the complainant and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. informed M/s. Dooars Cable Network that they were ready to discuss with M/s. Dooars Cable Network regarding the signals of ETV Bangla and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had requested M/s. Dooars Cable Network to inform the date of discussion about the matter;

14. And whereas the Authority, vide its letter dated the 19th June, 2007(annexed as Annexure X to this Notice), forwarded the response of M/s. ETV Network, as referred to in the preceding paragraph 13, to M/s. Dooars

Cable Network, being the complainant for seeking their comments in the matter;

15. And whereas in response to the letter of the Authority dated the 19th June, 2007 referred to in the preceeding paragraph, M/s. Dooars Cable Network, being the complainant vide their letter dated the 19th June, 2007 (annexed as Annexure XI to this Notice), informed the Authority that –

(a) all the required details such as their location, connectivity were indicated in their correspondence with M/s ETV Network vide letter dated the 19th August, 2006 which was received by M/s ETV Network on the 23rd August, 2006 and thus the area of operation and the connectivity of M/s Dooars Cable Network were thus informed by them to M/s ETV Network;

(b) the field staff and area manager of M/s ETV Network had been bargaining for increasing the connectivity of M/s Dooars Cable Network, complainant and accordingly, they had informed a connectivity equivalent to rupees twenty thousand per month as subscription to M/s ETV Network and this had been confirmed to M/s ETV Network vide their letter dated the 7th November, 2006 which was received by M/s ETV Network on the 10th November, 2006 and thus, both the area of operation and subscription charge had been duly informed to M/s ETV Network; and in support of their contentions, in (a) and (b) above, also enclosed a number of documents, namely copies of their letters dated the 19th August, 2006 and 7th November, 2006, and a letter of M/s ETV Network dated the 5th March, 2007, etc.;

16. And whereas the Authority, vide its letter dated the 29th June, 2007(annexed as Annexure XII to this Notice), forwarded a copy of the letter dated the 19th June, 2007 from M/s. Dooars Cable Network referred to in the preceding paragraph, to M/s. ETV Network asking them to convey their comments on the issues raised in the said letter of M/s. Dooars Cable Network;

17. And whereas in response to the letter of the Authority dated the 29th June, 2007 referred to in the preceding paragraph 16, M/s. ETV Network, vide their letter dated the 6th July, 2007(annexed as Annexure XIII to this Notice) has, *inter alia*, informed the Authority that the complainant has made a representation dated the 19th June, 2007 to the Authority that he has

informed the area of operation and also the subscription charges to M/s ETV Network “.... which is irrelevant issue as he was to obtain signals through the MSO. However failed to convey the same to the MSO, M/s. Jalpaiguri Cable Communication Pvt. Ltd ...” ;

18. And whereas the Authority has considered the clarifications given by M/s ETV Network, vide their letter dated the 6th July, 2007 referred to in the preceding paragraph which have not been found to be satisfactory for the following reasons, namely:-

(a) that the contention of M/s. ETV Network that the fact of M/s Dooars Cable Network, being the complainant, having informed M/s ETV Network about their area of operation and also the subscription charges is an irrelevant issue as the said complainant was to obtain signals through multi system operator is not acceptable as it is primarily the responsibility of the broadcaster, under clause 3.2 and 3.4 of the principal regulations, as amended from time to time, to provide signals of its TV channels to all distributors of TV channels on a non-discriminatory basis and to ensure, where the signals are provided through an agent or intermediary, that the agent or intermediary acts in a manner that is consistent with the obligations placed on the broadcaster and not prejudicial to competition;

(b) that the contention of M/s ETV Network, being the broadcaster, that M/s. Dooars Cable Network, being the complainant, has not indicated the area of the proposed operation to the multi system operator cannot be accepted as a good reason for non-provision of signals to the complainant, because M/s. ETV Network's letter dated the 5th March, 2007 clearly states that they “....we came to know that pay channel department has already appointed one MSO to cater to the subscribers in the area where the complaint sought to install the decoder ...” and this clearly indicates that the details of area of operation of M/s Dooars Cable Network, being the complainant, were known to M/s. ETV Network but the same was not passed on by M/s ETV Network, being the broadcaster, to their multi system operator, nor did they ensure that the multi system operator appointed by them acted in a manner that is consistent with the obligations placed on the broadcaster under the proviso to clause 3.4 of the principal regulation;

(c) that M/s ETV Network, being the broadcaster, failed to ensure that the multi system operator appointed by it complied with the provisions of clause 3.5 of the principal regulation as inserted by the Telecommunication

(Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006), which, *inter alia*, requires that –

- (i) any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request;
- (ii) in case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum;
- (iii) the time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa;

19. And whereas, the Telecom Regulatory Authority of India, in exercise of the powers conferred upon under section 13, read with clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and for the reasons mentioned in the preceding paragraph, the Telecom Regulatory Authority of India has, vide its Direction F.No.3-25/2007-B&CS dated 24.9.2007 (annexed as Annexure XIV to this Notice), directed M/s ETV Network to ----

- (a) take immediate steps for providing signals of the ETV Bangla channel to M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101; and
- (b) furnish, within seven days of issue of the said Direction, a compliance report regarding supply of such signals;

20. And whereas, as per section 29 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), if a person violates directions of the Authority, such person shall be punishable with fine which may extend to one lakh rupees and in case of second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ino.1 (R)

ANNEXURE-I

Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

4933669042

Ref. No.

Office of Chairman (TRAI)
Diary No.
Date

Date 13.02.2007

To
Shri Avijit Sanyal,
Nodal Officer (TRAI),
Joint Secretary & Ex-officio,
Director of Film,
I and CA Department,
Writers building
Kolkata-700001.



2/2
Adv (B & CS)
Adv (B & CS)
42
20/02

Office of Advisor (B & CS)
498-C 2/2

Dear Sir

Sub: Appeal for intervention

We are taking the opportunity to let you know the followings for your kind information.

We are the registered cable operator of Jalpaiguri town, West Bengal with registration no 24, having service tax registration no 64/COS/ST/Jal/2005 along with the registration of the West Bengal Entertainment-cum-Amusement Tax Rules vide certificate of registration no 109. Since the year 1996, we have been maintaining this business.

In recent times, we have completed the undermentioned processings for getting signal of ETV Bangla channel.

We paid Rs. 5500=00 to the ETV Bangla Kolkata Office vide D/D no 260989, dt 19.8.06 towards the cost of decoder box responding their notice^{WGO} published in daily news paper.

Vide our letter dt 7.11.06, we intimated them our revised offer- Rs. 20,000=00 per month as subscription for ETV Bangla channel.

Contd Page-2

Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101



Ref. No.

Date

Page-2

Subsequently we sent two letters dt 29.01.07 and 12.2.07 with a request to issue us the said box as well as allow us for completing the necessary agreement for getting uninterrupted signal of the said channel.

Apart from above we also maintained telephonic contact regularly with the official- Mr. Biswas Gupta Roy - Manager Distribution, ETV Bangla.

At present, we can not make any contact with any Officials when it is observed that the other network has got the signal of ETV Bangla.

Now due to above discrepancy, we have been facing a lot of trouble since the channel had been with our network since its beginning.

Regarding ourselves, there are almost 25 families are attached with this cable network and in the competitive atmosphere when this channel is not available with our network, it will be very difficult to run our Organization successfully and obviously, we shall feel a danger because our business is mainly spread in Bengali region.

Under the above circumstances, we would appeal to you to intervene so that the administration of ETV Bangla is forced to adopt a logical stand and we could get justice.

Thanking you.

Encls: The letter dt 12.2.07, the D/D.

Yours Sincerely
Ranab Sarkar
Proprietor.

✓ Copy to Mr. Nripendra Misra, Chairperson, TRAI, Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College), Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110002, for information and taking a suitable action.



Dooars Cable Network



329360 3 9933669042
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref. No.

Date 12.02.2007.

To
Shri Biswajit Guha Roy,
Manager Distribution,
ETV Bangla,
Ushodaya Enterprises Ltd.,
55B, Mirza Galib Street,
Kolkata - 700016.

Dear Sir

Sub: Appeal for allowing us for
agreement in respect of
your ETV Bangla channel.

On the above subject, we sent you
a letter dt 07.11.2006 offering Rs. 20,000/- per
month for getting signal of ETV Bangla channel

Subsequently, we also sent a letter dt
29.01.2007 to you for the same reason. However,
we have not received any response till date from
you.

Besides above, we have also made
telephonic contact with you and got a response to
hold patience for few days on every occasions.

At our end, due to non-availability of
ETV Bangla signal, we can not satisfy our customers
properly since for several years it has been available
with us.

Considering all above, we would cordially
appeal you to allow us for an agreement as
per our above offer so that we get uninterrupted
ETV Bangla signal in our cable network.

Yours faithfully
Pranab Sarkar

Copy to

1. The Nodal Officer (TRAI), I & C A Deptt, Writers Bldg. Kol-01.
2. The Chairperson (TRAI), Mahanagar Dooarsanchar
Bhawan, Jawaharlal Nehru Marg, New Delhi-110002.



सत्यमेव जयते

ANNEXURE - II

S.No. 2 (Ann)

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

F.No.3-25/2007- B&CS

Dated February 23, 2007

To

Shri K. Bapineedu Chowdary,
Vice-President – Operations,
ETV Network,
Ramoji Film City,
Hyderabad – 501512.
Fax: 08415-246408

Subject: Complaint filed by M/s. Dooars Cable Network, Ukilpara, Jalpaiguri reg. non-supply of ETV Bangla signal.

Sir,

Telecom Regulatory Authority of India (TRAI) is in receipt of a letter dated 13.2.2007 from M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri on the subject mentioned above (Copy enclosed).

You are requested to convey your comments on the issues raised in the letter to this office latest by March 05, 2007

Yours faithfully,

Encl: as above

(Rakesh Gupta)

Jt. Advisor (B&CS)

Fax No. 23220442

S.No. 6 (R)

ANNEXURE - II

USHODAYA ENTERPRISES LIMITED

TELEVISION DIVISION

By Fax / Registered Post Ack. Due

05.03.07.

To
Mr. Rakesh Gupta,
Jt. Advisor, (B&CS),
Telecom Regulatory of India
Mahanagar Door Sanchar Bhawan,
(Old Mint Road)
New Delhi 110 002.

Subject: - Complaint filed by M/s. Dooars Cable Net Work, Ukilpara,
Jalpaiguri. Re- Non- supply of ETV Signals.

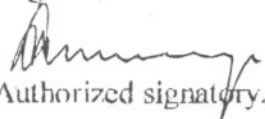
* * *

With reference to the subject matter, this is to inform that it is true that he has sent a Demand Draft No. 260989 dated 19.08.06 towards the cost of the decoder.

At this juncture, this is to inform you that we have received innumerable applications for supply of decoders of ETV-Bangla and with a view to allot decoder to the complainant we have encashed the Demand Draft sent by the complainant. But later, we came to know that pay channel department has already appointed one MSO to cater to the subscribers in the area where the complaint sought to install the decoder. "The said fact was informed to the complainant orally through our field staff.

We have already returned the amount paid for decoder to the complainant with simple interest and have advised him to take signals from the MSO. The MSO has also advised to provide signals to the complainant after entering into an agreement.

Regards,


Authorized signatory.

RAMOJI
F.I.L.M.C.I.T.Y

R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408



S.No. 7 (One)

ANNEXURE - III

12

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

Registered / AD

F.No.3-25/2007-B&CS

Dated March 09, 2007

To

Shri Pranab Sarkar,
Dooars Cable Network,
Arati Complex, M.G. Road,
Ukilpara,
Jalpaiguri -35 101, (West Bengal.)

Subject: - Complaint against M/s. TV Network.

Sir,

Please refer to your letters dated 13.02.2007 & 5.3.2007 on the subject mentioned above. The matter was taken up with M/s. ETV Network (Ushodaya Enterprises Limited). Their response has been received, which is self explanatory. Copy of the same is enclosed herewith.

In case you have any comments in the matter, the same may be sent by 28.3.2007.

Yours faithfully,

Encl: as above

(Rakesh Gupta)
Jt. Advisor (B&CS)
Fax:23220442



Doors Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

S.No 8 CR

ANNEXURE-TV

329360
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

9933669092

24

Ref. No.

Date 21.03.2007

To
Shri Rakesh Gupta
Jt Advisor (BSCS)
Telecom Regulatory Authority of India,
Mahanagar Doorsanchat Bhawan,
Jawahar Lal Nehru Marg,
Cold Minto Road),
New Delhi-110002



S. Lillai 2013

Dear Sir

Sub: Your letter ref: F.No.3-25/2007-
BSCS dated 09.03.2007 on the
Subject of ETV Bangla signal.

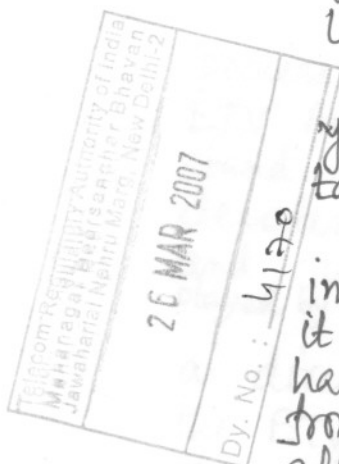
On today, we have received your above
valued letter along with the comments of Ushodaya Enterprises
limited vide letter dated 5.3.2007.

Responding above, we would like to let
you know the followings for your kind information and
taking an immediate action.

1. We have not received yet any amount
including simple interest from ETV Authority till date as
it has been claimed by them. Similarly, no advice
has also been received mentioning to take signal
from the MSO in our area. However immediately
after receiving the above direction, we have written
a letter to the Jalpaiguri Cable Communication presuming
that this network would provide us the necessary
signal on proper agreement. The copy of the letter
dt 21.3.2007 is also enclosed for your kind infor-
mation. We also do not know whether ETV Authority
has issued any letter to the above network separately.
ETV Authority could not also provide any documentary evidence in
their support.

2. The most important fact is that the
above network and we have been maintaining separate
control rooms in a particular area. Both having
separate licences for organizing a same nature of
business. We pay separately the entertainment and

Contd Page 2



26 MAR 2007

Dy. No. : 4120



Ref. No.

Page-2

Date 21.03.2007

service taxes. Hence, there is a friendly competition between we and the JCC. At this juncture whether it is possible that they would extend hand for our help & support. In every corner of Jalpaiguri town, there are two operators - one belongs to DGN & another is for JCC and at present the field staffs of JCC are constantly trying to encash this situation and convincing our valued customers to get touch with them as we shall never get the said signal according to their opinion. We also honestly confess that a percentage of customers have already changed the connection.

Sir, we surely believe that it is a lingering process which we are being forcibly followed as the ETV Authority is deliberately taking such impractical stand. Since, they are still holding our fund, the decoder box can easily be provided to us with proper and justifiable agreement. Unfortunately, a got-up game is being played by them jointly in order to establish a monopoly system. Sir, please consider all above and make a direction to the ETV officials to provide us the ETV Bangla signal directly. We have a faith on you and your Department only. Your logical direction can not be ignored by any broadcaster or any licenced network.

Sir, please help us.



Yours faithfully
Pranab Sarker
Proprietor,
Dooars Cable Network
Jalpaiguri.



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

329260 26 993366704
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

Ref. No.

Date 21.03.2007

To
The Director,
Jalpaiguri Cable Communication,
Kohinoor Building,
Thana More,
Jalpaiguri-735101



Dear Sir

Sub: Signal of ETV Bangla

On today we have received a letter ref. F.No.3-25/2007-B&CS dated 09.03.2007 from Telecom Regulatory Authority of India, New Delhi 110002, along with a compliance dated 05.03.2007 of Ramoji Film City (Ushodaya Enterprises Limited) originally sent to the Jt Advisor (B&CS), TRAI as a response of their earlier letter dated 23.02.2007.

According to the above letters of both the administrations we have been directed to get the signal of ETV Bangla on proper agreement from the MSO having availability in the area where we maintain our network. As far as our knowledge goes we understand that your network is the that MSO.

Considering above, we would ask you to let us know in writing the necessary processing within 3(Three) days from the receipt of our letter in order to enable us to get the signal of ETV Bangla from your end and simultaneously complete the logical and acceptable agreement for the both end.

It is needless to mention here that if we have not received any compliance from your end ^{within the time schedule} we shall take a conclusion that either the your network is not the that MSO or you are very much reluctant to make any positive response.

Contd-Page 2



Dooars Cable Network



Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

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OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref. No.

Page 2

Date 21.03.2007

We would also like to state this that the entire processing is known to the authorised ETV Bangla distributor of Jalpaiguri District - Mr. Dipankar Das and if you have any doubt, you may get any sort of confirmation from him.

Thanking you and expecting your reply within the time schedule.

Encls: The letter dt 5.3.07 of
Ushodaya Enterprises
Limited.

Yours faithfully
Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri

Copy forwarded to

1. The Jt Advisor (BRCS), TRAI, New Delhi - 110002 for information & taking necessary action.
2. The District Magistrate, Jalpaiguri District, for his kind information.
3. The Superintendent of Police, Jalpaiguri District, Jalpaiguri for his kind information.
4. Mr. Dipankar Das, Distributor of ETV Bangla network for his information. He is also requested to involve into the matter and help us to get a conclusion which is logical & impartial.



Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

S.NO-9(R)

329360

28

9933669042

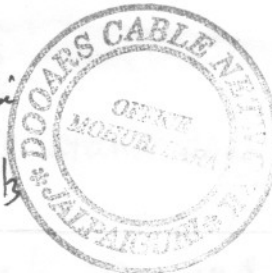
Phone : 03561-224832, Cell : 94343-66802, 92324-72313

E-mail : dooarscable@rediffmail.com

Ref. No.

Date 27.03.2007

To
Shri Rakesh Gupta
Jt Advisor (B & CS),
Telecom Regulatory Authority of India,
New Delhi - 110002
Fax - 011-23220442
Dear Sir



Sub: The signal of ETV Bangla channel

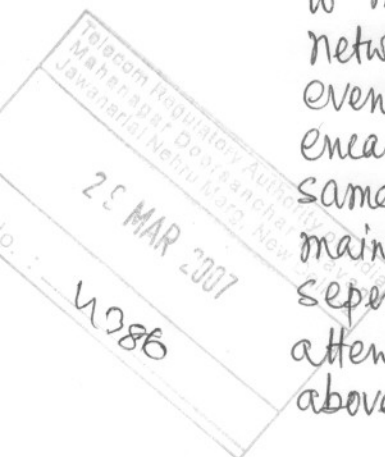
In continuation with our previous letter dated 21.03.2007, the following are being intimated to you.

a. The Jalpaiguri Cable Communication pvt Ltd has not responded yet to our letter dated 21.03.2007, received by them on 22.3.2007. This network is the said MSO as mentioned in the ETV letter dated 5.3.2007 originally addressed to you stands confirmed by their Jalpaiguri field staff. We also undertake, if we get any reply later on, the same will be placed before you as intant.

b. According to ETV letter dated 5.3.2007, it stands established that our demand is legitimate. At the same time, it is not understood to us why we are to depend upon another network for getting the signal especially when the said network does also maintain business at the same area. We seriously feel that this solution will lead a definite problem in future. It could be more painful to us if ETV & the said network fail to maintain a good commercial relation or the said network gets tied up with others. We can not ignore such eventuality. We still understand that when ETV stands encashed the cost of decoder box, our right of having the same never be restrained. As a permanent solution and maintaining a trouble free relation with both of us separately, the said Authority could easily pay the same attention. We simply can not understand in spite of all above practical arguments a complicated solution is being

Contd Page-2

766/JA(B&CS)
20/3/07





Dooars Cable Network



329360 29 9933669042
Phone : 03561-224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref. No.

Date 27.03.2007

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offered. This stand does surely give a privilege to the said network.

Sir, only due to you and your Department's efforts, an almost denial case is presently getting a smell of a logical end. please instruct them to issue us the decoder box and allow us to complete a justifiable agreement cancelling the present conclusion. We have been loosing our valued customers day by day and if this pre-planned game does continue for some more days, a great loss according to our Organization is to be faced by us and at the same time, all the people who are with a cable network will be extorted through this un-official monopoly system is being tried to impose.

Sir, your immediate intervention in order to reach a happy end for all of us is highly appreciated. At present we have nothing to do only to put our hands together before you. Please help us.

Yours faithfully

Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri





Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

329360

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9933669092

Phone : 03561 224832, Cell : 94343-66802, 92244 72313

E mail : dooarscable@rediffmail.com

J No-10(R)

Ref. No.

Date 07.04.2007

Fax no- 011-23220442

To
Shri Rakesh Gupta
IT Advisor (B2CS)
Telecom Regulatory Authority of India
New Delhi-110002



Dear Sir

Some more of our opinion and information,
we would like to intimate you for your kind consideration.

A. Till now we have not received any response from the MSO (TCC Pvt Ltd) of our town against our letter dt 21.3.07 as it should have been done according to the ETV letter dt 5.3.07 originally written to you. Similarly, we have not yet been paid any fund from ETV Kolkata Office as it was informed to you by them. It is beyond our appreciation that why they have made such damn lie statement to you.

B. For the last 15 days, we have been trying to make contact with the Area Manager of ETV- Mr. Biswajit Guha Roy (mobile no 93310-8 2200) seating at Kolkata Office over telephone but he is not receiving our calls due to no reasons. We are also maintaining contact with the field staff of ETV at Jalpaiguri District due to obligation- Mr. Dipankar Das (Raj mobile no- 93329-86728, whose statement is so destructive. According to him- TRAI can not give any direction to ETV Authority directly. To provide signal of ETV Bangla is purely a discretion of them. Even, if any request is made by TRAI which creates any hope for us, a fabulous fund will be demanded which we can not afford. We know that according to official documents, the another network of our town got ETV by paying a nominal amount per month. He also says that only court can make an intervention into the entire proceedings if we go the said platform. But a considerable ^{period} will be required to get justice, before that we obviously will loose our all hopes.

Contd Page-2



Dooars Cable Network



329360 31 993366904
Phone : 03561 224832, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101

CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

Ref No.

Date 07.04.2007

Page-2

Regarding Dipankar, we have also collected information which is - he is a cable operator of J.C.C. Pvt Ltd. It may be that according to papers, he is not directly attached. But, it is true that a particular area of Jalpaiguri is directly supervised by him for cable programme of the said network. Now it is quite clear that this type of coloured person does not know to take an impartial stand. Obviously our operators get furious.

C. Our nearer town is Siliguri where the picture is so different. Different networks having separate control rooms have been issued separate decoder box and through a justifiable agreement executed independently all of them holding ETV Bangla Channel. Unfortunately, at Jalpaiguri, we feel that Mr. Dipankar Das is the ultimate Authority and due to him we shall never get the same. It can not be proved but assessed that any lucrative deal stands done at any level which never be broken at any cost.

It is becoming clear that ETV Authority and JCC Pvt Ltd both will not provide the signal of ETV Bangla and our deposited fund might be misappropriated even after your appropriate efforts.

Sir, please inform us what we should do further. We still desire to have the above signal directly from ETV even we are to pay more fund per month in comparison to have the same from the MSO because the said MSO is presently guided by Mr. Das and it will be a continuous disturb for us. Moreover, we want to register a win against all odds only due to a memorable support of you and your Department for which we will be grateful forever.

Sir, We are still ignoring the words of Mr. Das and looking for your next course of action. Please expedite.

Yours faithfully
Francis Sarkar
Proprietor
Dooars Cable Network



18

ANNEXURE - V
भारतीय दूरसंचार विनियामक प्राधिकरण
महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA
Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

F.No.3-25/2007-B&CS

Dated April 13, 2007

To

Shri K. Bapineedu Chowdary,
Vice-President – Operations,
ETV Network,
Ramoji Film City,
Hyderabad – 501512.
Fax: 08415-246408

Subject: Complaint filed by M/s. Dooars Cable Network, Ukilpara, Jalpaiguri reg.
non-supply of ETV Bangla signal.

Sir,

Please refer to the correspondence resting with your letter dated 5.3.2007 on
the subject mentioned above.

The comments of the complainant (M/s. Dooars Cable Network, Jalpaiguri)
has now been received vide their letters dated 21.3.2007, 27.3.2007 & 7.4.2007
(copies enclosed) on your response dated 5.3.2007. You are requested to clarify the
position on the issues raised in the enclosed letter to this office latest by April 26,
2007.

Encl: as above

Yours faithfully,

(Rakesh Gupta)
Jt. Advisor (B&CS)
Fax No. 23220442

S. 11 (K) ANNEXURE - VI 33

USHODAYA ENTERPRISES LIMITED

TELEVISION DIVISION

By Registered Post Ack.due/Fax.

Dt: 26.04.07

To
Joint Advisor (B&CS),
Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Mint Road,
New Delhi 110 002.

Kind Attention Mr. Rakesh Gupta.

Sir,

Sub: - Complaint filed by M/s. Dooars Cable Network, Ukilpara,
Jalpaiguri reg. Non-supply of ETV Bangla Signal.

Ref:- F. No. 3-25/2007-B&CS dated 13,16th April, 2007.

In response to the complaint of M/s Dooars Cable Network, Ukilpara, Jalpaiguri we have to state as under:

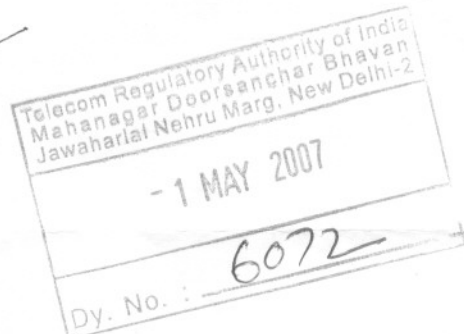
1. Our effort of returning a Demand Draft was in vain and the registered letter was returned as "addressee not found" by the postal department.
2. We have informed concerned MSO Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101 to provide signal but complainant for the reasons best known to him is avoiding to receive the signals from the MSO.
3. We reserve our right in replying to the personal comments made against our area manager and distributor.
4. The complainant has even refused to accept the returned cover in person from our Kolkata Office, when they visited the office. We request you to inform the complainant to collect the same in person from our Kolkata Office or alternatively, we are ready to deposit the same in your good office for returning the same to the complainant.
5. As informed to the complainant we are always ready and willing to provide signals through our MSO Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101.

Yours truly,

Ushodaya Enterprises Limited,
Television Division,


Authorized Signatory.


RAMOJI
F.I.L.M C.I.T.Y



R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408



Dooars Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101

ANNEXURE - VII

329360

9933669042

Phone : 03561-224832, Cell : 94343-66802, 92324-72313

E-mail : dooarscable@rediffmail.com

36

Ref. No.

Date 09.05.2007

To
Shri Rakesh Gupta
JT Advisor (B&CS)
Telecom Regulatory Authority of India,
New Delhi - 110002

Fax/Letter

No. 23220442

1023/DA 1208
15-5-07

Dear Sir, Sub: Granting signal of ETV Bangla channel
Without prejudice to our rights contention, we
would like to state the followings for your kind information and
taking a sympathetic decision at the earliest.

As per the letter of Ushodaya Enterprises Limited
dt 5.3.07, originally addressed to you, it is clear that the
MSO - Jalpaiguri Cable Communication Pvt. Ltd, Thana Road,
Rohinor Building, Jalpaiguri-735101 was instructed by the ETV
Network to provide us the signal of ETV Bangla on or
before 5.3.2007. Till date i.e. more than 2 months have
gone, they have not made any reply or taken any
assertive steps. We understand that it is a clear
violation of TRAI rules and regulations.

At this juncture, we would request you
to take the necessary action so that we could get the said
signal at the earliest through a logical and justifiable
agreement based on true connectivity of our network. At
present we are passing through a so complicated situation
and if this channel is not attached shortly, we surely
would not survive in the present competitive atmosphere
and a monopoly structure shall become a scenario at
Jalpaiguri town for which the broadcaster and the MSO
have jointly been trying their best.

Sir, only your active co-operation is our
support and strength.

Please make any correspondence to us
through Fax nos - 03561- 221846/226302
for earliest receipt.

Yours faithfully
Pranab Sarkar,
Proprietor



NON EXCISE - VIII 34
§ No-12 (12/12) भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002

Fax : 91-11-23213294

Registered A/D

F.No.3-25/2007-B&CS

Dated 16th May, 2007

To,

Shri K. Bapineedu Chowdary,
Vice-President-Operations,
ETV Network,
Ramoji Film City,
Hyderabad – 501 512

Subject:- Complaint filed by M/s Dooars Cable Network, Ukilpara, Jalpaiguri
regarding non-supply of signals of ETV Bangla channel

Sir,

Please refer to Telecom Regulatory Authority of India (TRAI) letter of even number dated 13.4.2007 and your response thereto dated 26.4.2007 on the subject mentioned above.

2. TRAI is in receipt of another letter dated 9.5.2007 from M/s Dooars Cable Network, a copy of which is enclosed.

3. With reference to the contents of the enclosed letter, your attention is drawn to the provisions of clause 3.5 of the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) dated 4.9.2006 which is reproduced below:-

“3.5 Any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request. In case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum.

Contd.../2

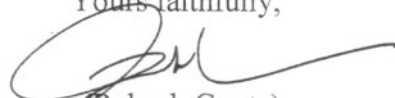
:2:

Explanation

The time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa."

4. You are, therefore, requested to clarify the position in this regard by 30.5.2007.

Yours faithfully,



(Rakesh Gupta)

Joint Advisor (B&CS)

Fax No. 2322 0442

S.No/4 (R)

ANNEXURE - IX

48

USHODAYA ENTERPRISES PRIVATE LIMITED

By Fax / Registered Post Ack. Due

29.05.07.

To
Mr. Rakesh Gupta,
Jt. Advisor, (B&CS),
Telecom Regulatory of India
Mahanagar Door Sanchar Bhawan,
(Old Mint Road)
New Delhi 110 002.

Subject: - Complaint filed by M/s. Dooars Cable Net Work, Ukilpara,
Jalpaiguri. Re- Non- supply of Signals of ETV Bangla Channel.

Ref: - F.No. 3-25/2007-B&CSd 16.05.07.

With reference to the above letter under reference, we are enclosing herewith the copies of correspondence exchanged by the MSO to the complainant, which is self explanatory.

This is for your information.

Yours truly,
Ushodaya Enterprises Pvt Ltd.,
Television Division,

Authorized signatory,

Telecom Regulatory of India Mahanagar Door Sanchar Bhawan Jawahar Lal Nehru Road, New Delhi-2
04 JUN 2007
Dy. No. : 7884

Encl: a/a.

RAMOJI
F.I.L.M C.I.T.Y

R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408



JALPAIGURI CABLE COMMUNICATION PVT. L

KOHINOOR BUILDING , THANA MORE

JALPAIGURI , PIN- 735101

Phone:- (03661) 221996 / 220962

Regd. No. 21-91701

Ref. No.....

Date 26-05-07

To
Sri Pranab Sarkar
Prop. Dooars Cable Network
Muhuri Para , Jalpaiguri

Ref. Your letter dated :- 21/03/07

Dear Sir

We have already issued a letter on 24th May 07 in this contest.
are sending this letter for your kind information, that we are ready to discuss
you regarding the signal of E-TV Bangla from our end.
Kindly Inform us the date of discussion about this matter.

Thanking You.

Yours faithfully

(Director)

Jalpaiguri Cable Communication Pvt. Ltd.

Copy to :- Mr Eliswajit Guha Roy, Ushodaya Enterprise Pvt Ltd Television Division Kolkata .



JALPAIGURI CABLE COMMUNICATION PVT. LTD.

KOHINOOR BUILDING, THANA MORE

JALPAIGURI, PIN- 735101

Phone:- (03561) 221996 / 220962

Regd. No. 21-91701

Ref. No.

Date. 24.05.07

To,
Sri Pronab Sarkar
Prop : Doars Cable Network
Muhurpara,
Jalpaiguri.

Ref : Your Letter dated 21/03/07

Dear Sir,

We have received your letter longback but our Board of Directors had no Immediate Meeting and any at the schedule meeting of our Board of Directors dated 20/05/07 the matter could be placed and after long deliberation in the same meeting of the board, it was decided that since in your letter under reference you did not specify your area of operation within Jalpaiguri District and no commercial terms & conditions should not be specified in your letter, hence our Board was unable to give any decision in the matter.

You would definitely appreciate that without knowing your area of operation & conditions within district, no decision can be taken in the matter.

Thanking you,

Yours faithfully,

Director
Jalpaiguri Cable Communication Pvt.Ltd.
Jalpaiguri.



Copy to:

- 1) Mr. Biswajit Guha Roy, Ushodaya Enterprise Pvt. Limited, Television Division, Kolkata - 16
- 2) Mr. Rakesh Gupta, Jr. Advisor (B&CS), TRAI, New Delhi - 110002
- 3) District Magistrate, Jalpaiguri District, Jalpaiguri.
- 4) The Superintendent of Police, Jalpaiguri District, Jalpaiguri.
- 5) Mr. Dipankar Das, Distribution Dept. of ETV Bangla.



सत्यमेव जयते

Annexure - X

51

भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिंटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Mint Road), New Delhi-110002
Fax : 91-11-23213294

Registered / AD

F.No.3-25/2007-B&CS

Dated June 19, 2007

To

Shri Pranab Sarkar,
Dooars Cable Network,
Arati Complex, M.G. Road,
Ukilpara,
Jalpaiguri -35 101, (West Bengal.)

Subject: - Complaint against M/s. ETV Network.

Sir,

Please refer to your letter dated 9.5.2007 on the subject mentioned above. The matter was again taken up with M/s. ETV Network (Ushodaya Enterprises Limited). Their response has been received, wherein it has been mentioned that the area of operation of your cable network was not specified in your letter to the MSO and therefore the MSO was unable to give any decision in the matter. Copy of the same is enclosed herewith.

In case you have any comments in the matter, the same may be sent by 29.6.2007.

Yours faithfully,

(Rakesh Gupta)
Jt. Advisor (B&CS)
Fax:23220442

Encl.: as above



Doors Cable Network



OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101, West Ben

Ref. No.

Fax/Courier Service

Date 19.06.20

To
Shri Rakesh Gupta,
Jt Advisor (B & C),
Telecom Regulatory
New Delhi-110002
Fax- 011-2322 0442

Telecom Regulatory Authority of India Mahanagar Doorsanchar Bhavan Jawaharlal Nehru Marg, New Delhi-2
21 JUN 2007
Dy. No. : 2740

1256 / 2A R 2es
22.6.07

[Signature]
2/6

SRG-I

[Signature]
2/6

Dear Sir

Sub: Your letter no 3-25/2007-BE
19.6.07 on the subject of
signal of ETV Bangla for

In response to your above referred
We would like to intimate you the following facts for
active consideration and taking a decision at
earliest.

1. Responding the news paper notice of
Kolkata Office, we made a correspondence dt 19.8.06
with the information of our location, connectivity a
with the D/D towards the cost of pay decoder box
above was received on 23.8.06 that means, the
of operation and the connectivity were well infor
by us to them through this correspondence.

After that the field staff and the
managers-Mr. Biswajit Guha Roy both started bargaining
for increasing the connectivity and finally we reach
to a conclusion of informing connectivity equivalent
the amount of Rs. 20,000/- per month as subscription
to them. Our written confirmation regarding this
informed to them vide our letter dt 7.11.06, sent through
fax on 8.11.06 as well as through courier service &
was received by them on 10.11.06. These statistics
informed to you in brief vide our letter dt 13.2.07.

More-over, the ETV Authority acknowledged
our area of operation to you vide their letter dt 5.3.07
and this information was also confirmed to the MSO
who was supposed to provide the signal



Dooars Cable Network



56

329360 9933669092
Phone : 03561-224892, Cell : 94343-66802, 92324-72313
E-mail : dooarscable@rediffmail.com

OFFICE : Mohuripara, Jalpaiguri-735101
CONTROL ROOM : Arati Complex, M.G. Road, Ukilpara, Jalpaiguri-735101, West Bengal

Ref. No.

Date 19.6.2007

Page - 2

according to the said ltr. We, when got this information, also written a ltr to the MCO dt 21.3.07 confirming that we have been maintaining the same business at the identical area. This ltr was received on 22.3.07

Hence we understand that (1) area of operation is clearly known by the ETV Authority and was also acknowledged earlier to you and (2) Subscription charge was informed and also received in due course of time at ETV Authority. So, their argument of non-informing the above does not belong any logical value.

Sir, We also appreciate that the above would equip you ^{with} the required data and a concluding direction of providing the direct signal by the ETV Authority could be made at your end.

Since we have been loosing the connectivity, we made appeal to grant connectivity as 840 vide our fax dt 12.6.07 sent to you.

All relevant document as photocopy are attached with this ltr for your ready reference

Encls: ltr dt 19.8.06,
7.11.06, 5.3.07
and 21.3.07 of
different Authorities
with acknowledgements.

Yours faithfully
Pranab Sarkar
Proprietor
Dooars Cable Network
Jalpaiguri.



ANNEXURE - X/II 73
8 mo - 16 (m)
भारतीय दूरसंचार विनियामक प्राधिकरण
महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

F.No.3-25/2007-B&CS

Dated June 29, 2007

To

Shri Bapineedu Chowdary
Vice President - Operations
ETV Network,
Ramoji Film City,
Hyderabad - 501512.
Fax: 08415-246408

Subject: Complaint filed by M/s. Doors Cable Network, Ukilpara, Jalpaiguri reg. non-supply of signals of ETV Bangla Channel.

Sir,

Please refer to the correspondence resting with your letter dated 29.5.2007 on the subject mentioned above.

The comments of the complainant (M/s. Doors Cable Network, Ukilpara, Jalpaiguri) have now been received vide letter dated 19.6.2007 (copy enclosed) on your response dated 29.5.2007. You are requested to furnish your response on the issues raised in the enclosed letter to this office latest by 6.7.2007.

Yours faithfully,

Encl: as above

(Rakesh Gupta)
Jt. Advisor(B&CS)
Fax:26713442

USHODAYA ENTERPRISES PRIVATE LIMITED**By Fax/ R.P.A.D**

Dt: 06.07.07

To
 Mr. Rakesh Gupta
 Jt Advisor (B & CS)
 Telecom Regulatory Authority of India
 Mahanagar Door Sanchar Bhawan
 (Old Minto Road)
 New Delhi-110002

Sub: Complaint filed by M/s. Dooars Cable Network, Ukilpara, Jalpaiguri
 Re. Non-Supply of Signals of ETV Bangla Channel.

Ref: F. No.3-25/2007-B& CS dated 29.05.2007

Sir

That the complainant has made a representation dated 19.06.2007 to your good offices that he has informed the area of operation and also the subscription charges to us which is irrelevant issue as he was to obtain signals through MSO.

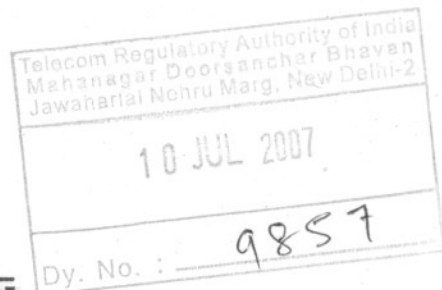
However failed to convey the same to the M.S.O M/s Jalpaiguri Cable Communication Pvt Ltd who is ready and willing to provide the signals of ETV Bangla to M/s Dooars Cable Network subject to negotiating commercial terms and conditions. But M/s Dooars Cable Network instead of approaching them are trying to make out a case by avoiding them i.e M.S.O

We hope the above will clarify the queries of the complainant.

Yours truly

Ushodaya Enterprises Pvt Ltd
 Television Division

Authorized Signatory



RAMMOJI
 F.I.L.M C.I.T.Y

R.R. Dist - 501 512 A.P. INDIA.

Tel : Off : 0091 - 08415 - 246111 Fax : 0091 - 08415 - 246408

Annexure- XIV

New Delhi, the 24th September, 2007

DIRECTION

Subject : Direction under section 13, read with sub-clauses (ii), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) for compliance with the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004).

F.No.3-25/2007-B&CS. -----Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority] has been established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the TRAI Act, 1997) and entrusted discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunications service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39, --

(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification number.S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,

has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority, in exercise of the powers conferred upon it under section 36 and sub-clauses (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997, read with the notifications No.39 (S.O No. 44 (E) and 45 (E)) dated 09.01.2004 issued from file No.13-1/2004-Restg by the Government of India under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub-section (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997, made the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004) (hereinafter called the principal regulation) providing for the provision of signals of TV channels by every broadcaster on non-discriminatory terms to all distributors of TV channels;

4. And whereas clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) provides as under :- .

“3.5 Any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request. In case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum.

Explanation

The time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa.”.

5. And whereas the Authority received on the 20th February, 2007 in its office a copy of the complaint dated the 13th February, 2007 from M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101 (hereinafter referred to as M/s Dooars Cable Network), addressed to the

Nodal Officer (Shri Abijit Sanyal), Kolkata (annexed as Annexure I to this Direction) complaining about non-supply of signals of ETV Bangla to their cable network by authorities of ETV channel, being M/s Ushodaya Enterprises Limited, having their head office at Ramoji Film City, Hyderabad – 501512, (hereinafter referred to as ETV Network);

6. And whereas the Authority vide its letter No.3-25/2007-B&CS dated the 23rd February, 2007 requested M/s ETV Network, being the broadcaster, to convey their comments on the issues raised in the said complaint and M/s. ETV Network vide their letter dated the 5th March, 2007 (annexed as Annexure II to this Direction) in response to the said letter of the Authority, informed it, *inter-alia*, that M/s ETV Network, being the broadcaster, with a view to allot a decoder to the complainant, encashed the demand draft sent by the complainant but later on they came to know that the pay channel department had already appointed one multi system operator to cater to the subscribers in the area where the complainant, being M/s. Dooars Cable Network, sought to install the decoder and that they had already returned the amount paid for decoder to complainant with simple interest and advised him to take signals from the multi system operator and that the multi system operator had also been advised to provide signals to the complainant after entering into an agreement;

7. And whereas the Authority, vide its letter dated the 9th March, 2007, (annexed as Annexure III to this Direction), forwarded a copy of the letter dated the 7th March, 2007 received from M/s ETV Network, being the broadcaster, referred to in the preceding paragraph, to the complainant, being M/s Dooars Cable Network and sought the comments of M/s. Dooars Cable Network on the said letter of M/s. ETV Network, being the broadcaster;

8. And whereas subsequent to the issuance of the letter, dated 9th March, 2007 of the Authority, referred to in the preceding paragraph, M/s. Dooars Cable Network, being the complainant, vide their letters dated the 21st March, 2007, the 27th March, 2007 and the 7th April, 2007 (annexed and collectively marked as Annexure IV to this Direction) informed the Authority that the complainant did not receive any amount including simple interest from M/s ETV Network as claimed, and they approached the multi system operator appointed by the broadcaster, namely, M/s Jalpaiguri Cable Communication but the said multi system operator had not responded to their request;

9. And whereas the Authority, vide its letter dated 13th April, 2007 (annexed as Annexure V to this Direction), forwarded copies of the letters from M/s. Dooars Cable Network dated the 21st March, 2007, 27th March, 2007 and 7th April, 2007, referred in the preceding paragraph, and sought clarification from M/s ETV Network, being the broadcaster, on the issues raised in the said letters of M/s Dooars Cable Network and in response to the said letter of the Authority dated the 13th April, 2007, M/s ETV Network, being the broadcaster, vide their letter dated the 26th April, 2007 (annexed as Annexure VI to this Direction) informed the Authority, *inter-alia*, that they had informed concerned multi system operator, being M/s Jalpaiguri Cable Communication, Jalpaiguri to provide signal but the complainant, for the reasons best known to him, was avoiding to receive the signals from the multi system operator and that M/s. ETV Network were always ready and willing to provide signals through their multi system operator namely, Jalpaiguri Cable Communication, Kohinoor Building, Thana More, Jalpaiguri, 735101;

10. And whereas the Authority received another letter dated the 9th May, 2007 from M/s Dooars Cable Network, being complainant (annexed as Annexure VII to this Direction) indicating therein that even after a lapse of two months from the letter dated the 5th March, 2007 of M/s ETV Network, being the broadcaster, referred to in paragraph 6 above, wherein they stated that they had instructed M/s Jalpaiguri Cable Communication Pvt. Ltd. to provide signals to them, the said multi system operator had not taken any steps in the matter nor had they replied to the request of the said M/s Dooars Cable Network;

11. And whereas the Authority had, vide its letter dated the 16th May, 2007 (annexed as Annexure VIII to this Direction), forwarded a copy of the letter dated the 9th May, 2007 of M/s Dooars Cable Network, being the complainant, as referred to in the paragraph 10 above, to M/s ETV Network and drew the attention of M/s. ETV Network to the provisions of clause 3.5 of the principal regulation, as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006) and sought clarification from M/s. ETV Network on their position ;

12. And whereas in response to the letter of the Authority referred to in the preceding paragraph, M/s. ETV Network vide their letter dated the 29th May,

2007(annexed as Annexure IX to this Direction) forwarded copies of two letters dated the 24th May, 2007 and the 26th May, 2007, being the correspondence exchanged by the multi system operator, to the complainant, being M/s. Jalpaiguri Cable Communication Pvt. Ltd;

13. And whereas upon perusal of the letters of the multi system operator referred to in the preceding paragraph, it was observed that the multi system operator had,--

(a) in the letter dated the 24th May, 2007 to M/s Dooars Cable Network, being the complainant, indicated that they had received the letter of M/s. Dooars Cable Network, being the complainant long back but their Board of Directors had no immediate meeting and it was decided, in the meeting of their board held on the 20th May, 2007, that since M/s Dooars Cable Network, being the complainant had not specified in its letter the area of their operation within Jalpaiguri District and no commercial terms and conditions had been specified, they were unable to give any decision in the matter; and

(b) in the letter dated the 26th May, 2007 to M/s Dooars Cable Network, being the complainant, it was stated that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had issued a letter on the 24th May, 2007 to the complainant and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. informed M/s. Dooars Cable Network that they were ready to discuss with M/s. Dooars Cable Network regarding the signals of ETV Bangla and that M/s. Jalpaiguri Cable Communication Pvt. Ltd. had requested M/s. Dooars Cable Network to inform the date of discussion about the matter;

14. And whereas the Authority, vide its letter dated the 19th June, 2007(annexed as Annexure X to this Direction), forwarded the response of M/s. ETV Network, as referred to in the preceding paragraph 13, to M/s. Dooars Cable Network, being the complainant for seeking their comments in the matter;

15. And whereas in response to the letter of the Authority dated the 19th June, 2007 referred to in the preceding paragraph, M/s. Dooars Cable Network, being the

complainant vide their letter dated the 19th June, 2007 (annexed as Annexure XI to this Direction), informed the Authority that –

(a) all the required details such as their location, connectivity were indicated in their correspondence with M/s ETV Network vide letter dated the 19th August, 2006 which was received by M/s ETV Network on the 23rd August, 2006 and thus the

area of operation and the connectivity of M/s Dooars Cable Network were thus informed by them to M/s ETV Network;

(b) the field staff and area manager of M/s ETV Network had been bargaining for increasing the connectivity of M/s Dooars Cable Network, complainant and accordingly, they had informed a connectivity equivalent to rupees twenty thousand per month as subscription to M/s ETV Network and this had been confirmed to M/s ETV Network vide their letter dated the 7th November, 2006 which was received by M/s ETV Network on the 10th November, 2006 and thus, both the area of operation and subscription charge had been duly informed to M/s ETV Network; and in support of their contentions, in (a) and (b) above, also enclosed a number of documents, namely copies of their letters dated the 19th August, 2006 and 7th November, 2006, and a letter of M/s ETV Network dated the 5th March, 2007, etc.;

16. And whereas the Authority, vide its letter dated the 29th June, 2007 (annexed as Annexure XII to this Direction), forwarded a copy of the letter dated the 19th June, 2007 from M/s. Dooars Cable Network referred to in the preceding paragraph, to M/s. ETV Network asking them to convey their comments on the issues raised in the said letter of M/s. Dooars Cable Network;

17. And whereas in response to the letter of the Authority dated the 29th June, 2007 referred to in the preceding paragraph 16, M/s. ETV Network, vide their letter dated the 6th July, 2007 (annexed as Annexure XIII to this Direction) has, *inter alia*, informed the Authority that the complainant has made a representation dated the 19th June, 2007 to the Authority that he has informed the area of operation and also the subscription charges to M/s ETV Network “which is irrelevant issue as he was to obtain signals through the multi state operator. However failed to convey the same to the multi state operator, being, M/s. Jalpaiguri Cable Communication Pvt. Ltd ...”

18. And whereas the Authority has considered the clarifications given by M/s ETV Network, vide their letter dated the 6th July, 2007 referred to in the preceding paragraph, which have not been found to be satisfactory for the following reasons, namely:-

(a) that the contention of M/s. ETV Network that the fact of M/s Dooars Cable Network, being the complainant, having informed M/s ETV Network about their area of operation and also the subscription charges is an irrelevant issue as the said complainant was to obtain signals through multi system operator is not acceptable

as it is primarily the responsibility of the broadcaster, under clause 3.2 and 3.4 of the principal regulations, as amended from time to time, to provide signals of its TV channels to all distributors of TV channels on a non-discriminatory basis and to ensure, where the signals are provided through an agent or intermediary, that the agent or intermediary acts in a manner that is consistent with the obligations placed on the broadcaster and not prejudicial to competition;

(b) that the contention of M/s ETV Network, being the broadcaster, that M/s. Dooars Cable Network, being the complainant, has not indicated the area of the proposed operation to the multi system operator cannot be accepted as a good reason for non-provision of signals to the complainant, because M/s. ETV Network's letter dated the 5th March, 2007 clearly states that they "... we came to know that pay channel department has already appointed one MSO to cater to the subscribers in the area where the complaint sought to install the decoder ..." and this clearly indicates that the details of area of operation of M/s Dooars Cable Network, being the complainant, were known to M/s. ETV Network but the same was not passed on by M/s ETV Network, being the broadcaster, to their multi system operator, nor did they ensure that the multi system operator appointed by them acted in a manner that is consistent with the obligations placed on the broadcaster under the proviso to clause 3.4 of the principal regulation;

(c) that M/s ETV Network, being the broadcaster, failed to ensure that the multi system operator appointed by it complied with the provisions of clause 3.5 of the principal regulation (as inserted by the Telecommunication (Broadcasting and Cable Services) Interconnection (Third Amendment) Regulation, 2006 (10 of 2006), which *,inter alia* , requires that –

(i) any broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, should either provide the signals on mutually agreed terms to the distributor of TV channels who is seeking signals, or specify the terms and conditions on which they are willing to provide TV channel signals, in a reasonable time period but not exceeding sixty days from the date of the request;

(ii) in case, the broadcaster/multi system operator or any agent/ any other intermediary of the broadcaster/multi system operator to whom a request for providing TV channel signals is made, turns down the request for TV channel signals, the reasons for such refusal must also be conveyed within sixty days from the date of the request for providing TV channel signals so as to enable the distributor of TV channels to agitate the matter at the appropriate forum ;

(iii) the time limit of sixty days shall also include time taken by the broadcaster to refer the distributor of TV channels, who has made a request for signals, to its agent or intermediary and vice versa;

19. Now, therefore, in exercise of the powers conferred upon the Telecom Regulatory Authority of India under section 13, read with clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and for the reasons mentioned in the preceding paragraph, the Telecom Regulatory Authority of India, without prejudice to the show cause notice issued vide F.No.3-25/2007-B&CS dated 24.9.2007 (annexed as Annexure XIV to this Direction), hereby directs M/s ETV Network to ----

(a) to take immediate steps for providing signals of the ETV Bangla channel to M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101; and

(b) furnish, within seven days of issue of this Direction, a compliance report regarding supply of such signals to M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101.

(R. N. Choubey)
Principal Advisor (B&CS)
Fax: 23220442

To

Shri K. Bapineedu Chowdary,
Vice-President – Operations,
Ushodaya Enterprises Private Limited,
SP III Building, 3rd Floor, Ramoji Film City,
Hyderabad – 501512.
Fax: 08415-246408

Copy to:-

M/s. Dooars Cable Network, Arati Complex, M.G. Road, Ukilpara, Jalpaiguri – 735 101 for information.

(R. N. Choubey)
Pr. Advisor (B&CS)