

**Response of Dish TV India Limited to -**

**DRAFT THE TELECOMMUNICATION (BROADCASTING AND  
CABLE) SERVICES (FOURTH) (ADDRESSABLE SYSTEMS)  
TARIFF (AMENDMENT) ORDER dated 30.09.2015**

**Submitted by:**

**Ranjit Singh**

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**Response by Dish TV India Limited to the Draft Amendment in the Regulations/Tariff Order Prescribing the rates at which the Ala Carte Channels shall be made available in the Digital Addressable Cable TV Systems (DAS) including in the Direct to Home (DTH) services**

**PRELIMINARY SUBMISSIONS**

1. **The proposed draft Tariff Order is premature**

1.1 It is submitted that the present exercise of fixation of retail price of “ala carte” channels being provided by the DTH platforms is premature in nature since the fixation of retail price is sought to be linked with the RIO prices of the channel(s) offered by the broadcasters which RIO prices have to be determined by TRAI in a comprehensive tariff exercise to be undertaken as per various orders of Hon’ble TDSAT and Hon’ble Supreme Court. The TRAI has not yet initiated the said tariff exercise and in fact has again adopted an ad hoc and selective approach in proposing the retail tariff Regulation in the Addressable Systems – both for DTH and cable. It is pertinent to mention that without undertaking a holistic view of the entire tariff regime, it would be completely premature and in fact would be counter-productive, to regulate the retail tariff as sought to be done by TRAI in the present proposed Tariff Order.

1.2 In this regard, we would like to bring to your attention that the Hon’ble TDSAT and the Hon’ble Supreme Courts at various occasions have required the TRAI to undertake the exercise of fixation of the whole sale price however the same has not been done till date. We would like to specifically highlight the following orders of the Hon’ble TDSAT and the Hon’ble Supreme Court:

- (i) TDSAT Judgment dated 14<sup>th</sup> July 2006 in Petition No.136 (C) of 2006 – ASC Enterprises Limited Vs. Star India Private Limited
- (ii) TDSAT Judgment dated 25<sup>th</sup> September 2014 in Petition No.335(C) of 2014 -Hathway Cable & Datacom Ltd., Mumbai Vs. Taj Television (India) Pvt. Ltd., Mumbai
- (iii) TDSAT Judgment dated 28<sup>th</sup> April 2015 in Petition No. 1(C) of 2014 – Centre for Transforming India vs. TRAI
- (iv) Supreme Court Order dated 4<sup>th</sup> August 2015 in Civil Appeal No. 5159-5164/2015 – IBF vs. CFTI

1.3 A bare perusal of all the above orders including the recent order dated 04.08.2015 of the Hon'ble Supreme Court (copy attached) would clearly indicate that the TRAI is obliged to undertake the exercise of fixation of wholesale tariff since the entire C&S universe is heading for complete digitalization in next two years or so. In fact 50-60% of the C&S homes have already been digitized in Phase-I & Phase-II under the mandatory DAS implementation schedule notified by the Government. The wholesale prices and the RIOs for a-la-carte offerings at present are being derived from the analogue prices frozen under various Tariff Orders issued by TRAI from time to time. With the digitalization in the sector, it is imperative that these prices are required to be delinked from the analogue regime and a fresh tariff dispensation needs to be brought in for the digital era. Despite repeated directions and orders by TDSAT and Apex Court, this exercise has not yet been initiated by TRAI. It is our submission that instead of proceeding with the present proposed Tariff Order, the TRAI should initiate the process of reviewing the entire tariff regime for the addressable Cable & DTH Sector which is long overdue by immediately issuing a consultation paper.

- 1.4 It is stated that the proposed draft tariff order under consultation aims to link the retail price of the ala carte channels with the RIO price of the channels published by the broadcasters despite the fact that the exercise of fixation of the RIO prices at wholesale level has not been undertaken by the TRAI. Accordingly, such an exercise of linkage of ala carte prices with yet to be finalized RIO pricing is totally premature in nature. It is submitted that in the absence of such an exercise it is not possible at this stage to ascertain the impact of such wholesale RIO prices determined after undertaking the exercise as referred to above, on the retail pricing.
- 1.5 Thus, it is necessary that the RIO rates of the broadcasters to be first streamlined and then the exercise if any required to regulate the rates offered by Platform Operators be undertaken. Unless such an exercise is first carried out and TRAI comes up with fresh tariff order on fixation of wholesale rates of broadcaster, it would be a prejudicial exercise to regulate and fix the retail tariff of the platform operators. That the offering of channels and bouquets by distribution platforms to their subscribers is highly subsidized and in the interests of the subscribers, implementing the proposed twin condition under the captioned Tariff Order would compel the distribution platforms to increase the existing a-la-carte and bouquet prices which would then be unaffordable to consumers at large. As such we request to the Authority that till the time the Wholesale Tariff (RIO Rates) are not regulated, the retail tariff rates should be kept in abeyance.

In view of the above and in order to avoid any ambiguity on the prices of the ala channels for the consumers as well to avoid any uncertainty for the DTH platforms on the ala carte prices, it is reiterated that the TRAI should undertake a comprehensive exercise whereby as a first step, the whole sale prices of the channels are properly determined. Any

fixation/linkage of the retail price with the RIO price of the channels should be done only after fixing the RIO price first.

2. **The proposed draft Tariff Order is not in compliance with the order of Hon'ble TDSAT dated 13.07.2015**

2.1 Dish TV respectfully states that in the present Draft Tariff Order issued by the TRAI, various issues raised by Dish TV in the petition number 19(C) of 2013 have not been addressed by the TRAI despite reproducing the same in the explanatory memorandum attached with the draft tariff order. In its order dated 13.07.2015, the Hon'ble TDSAT had categorically directed the TRAI to consider the Appeal filed by Dish TV as its representation and also stated that a final view shall be taken only after consideration of the all the material placed before the notice of TRAI including the comments/representations given by any other stakeholders upon asked by TRAI. The contents of the Appeal and Rejoinder of Dish TV in the above mentioned Appeal form the integral part of this response and have not been repeated herein for the sake of brevity.

2.2 However it is regretting to point out that the present draft tariff order issued by the TRAI appears to have ignored and left unaddressed all the points/issues already raised in this behalf in the said Appeal. As an illustration, it may be pointed out that in the present draft Tariff Order it has not been clarified as to how the present formula as given in the order will solve the issue of continuous calculations/changes in the ala carte prices of all the channels which are part of the said bouquet resulting from the change in prices across the platform. It is stated that unlike the bouquets made by the Broadcaster, the bouquets formed by the DTH operators undergo regular changes due to various reasons like addition/removal of the channel(s), change in composition of bouquet due to market demand, change in composition of bouquet due to

competitive scenario etc. It may be noted that every time any such occasion arises, a DTH operator would need to rework the entire packaging / price of a bouquet currently being offered on its platform. In addition to continuous/unending calculations, this will also become an operational nightmare and will create confusions and unrest in the minds of the consumers.

2.3 In all the below listed instances, the DTH operators herein would be required to recalculate the rates of the channels and revise its offer(s) to subscribers:

- a. Addition of a channel (both FTA and pay) in a pack by the Platform
- b. Removal of channel (both FTA and pay) from a pack by the Platform
- c. Addition of a new channel (both FTA and pay) on the platform
- d. Removal of a channel (both FTA and pay) by the broadcaster from a platform
- e. Discounted offering of a pack by the platform
- f. Increase in rates of the pack by a platform
- g. Increase in the rates of the channel (both FTA and pay) by a Broadcaster

2.4 In this context it is also pertinent to mention that by its own admission as stated in the draft tariff order, the TRAI has only simplified the condition related to ascribed value of the channels as was prescribed in the last twin conditions as the same was quite complicated and difficult to understand and implement at ground level. The present twin condition is therefore just the reproduction of the explanation provided by the TRAI in its reply to the abovementioned Appeal filed by Dish TV. However while prescribing the present twin condition, the TRAI has completely ignored the contentions raised by the DTH operators in their response to

the earlier Tariff Order and also raised by Dish TV in the abovementioned Appeal that the said conditions would force the DTH operators to offer some of the channels below their RIO rates in case where the channels have been obtained on the RIO basis and have been placed in the packs created by the DTH operators. Though this issue has been noted by TRAI at point 8 of the explanatory memorandum, however, surprisingly the same has been left unaddressed. In addition, the TRAI has also erroneously presumed that this was the only issue raised by Dish TV in the abovementioned appeal and by the DTH operators in the earlier tariff orders and left all other issues completely unaddressed.

- 2.5 The example given by the TRAI in the explanatory memorandum to illustrate the twin condition does not also further the contention of TRAI for two reasons. Firstly, it is based on two bouquets only, whereas in normal practice, a DTH operators has around 7-8 bouquets where any change in the rate of ala carte price of a channels or any movement (inclusion/removal) of any channels from or to a channel will force a DTH operator to realign the ala carte rates of all other channels as well. Secondly, even after assuming the ala carte rate of the channels as twice of their RIO rate, which is one of the conditions prescribed in the twin conditions and considered to be a fair value of the channels when provided as an ala carte, the other conditions is not met. This is the case where only the simple illustration(s) of two bouquets were considered assuming very few channels being part of the same. The situation and the complexity can therefore be well imagined if the number of bouquets increases to 7 or 8 and the channels forming part of the same is around 200 or more.

### 3. **Wrong Assumptions and Calculations**

- 3.1 The conclusion of the TRAI that “the uptake of the channels on ala carte basis by the subscribers is poor, only because of the fact that the ala carte rates of the channels are disproportionately high” is based on erroneous assumptions which has no connection of the market reality. This gets clear from the example cited by TRAI in the explanatory memorandum attached with the draft tariff order where the total sum of the ala carte rates of the channels forming part of the bouquet has been mentioned as Rs. 1605/-. While doing the calculations in this exercise, TRAI has ignored the fact that in addition to the pay channels, the bouquet also comprises of the various FTA channels, which though are made part of the bouquet, but each of such channels have may different RIO rates and inclusion of the such channels in the bouquets are only in furtherance of the interests of the subscribers. The comparison drawn by TRAI is therefore erroneous.
- 3.2 Further, to meet the conditions prescribed by the TRAI, the DTH operators would be forced to package the channels in such a manner where the packages have less number of Pay Channels, less number of Free to Air Channels with increase in the price of the package. All these options shall not only be prejudicial to the interest of the subscribers but it would take the away the freedom of the DTH operators to package the channels which is violative of the right of the DTH operators.
- 3.3 The present draft tariff order is completely silent on the industry practice regarding the modes provision of content by the broadcaster to the DTH operators i.e. (i) RIO basis (ii) CPS basis and (iii) Fixed fee basis. It has been repeatedly contended by the DTH operators that a Broadcaster agrees for CPS / Fixed fee deal only when (i) the DTH operator agrees to take all the Channels of the Broadcaster; and (ii) agrees to place the

channel in the packages desired and stipulated by the Broadcaster as a part of the deal. In case, the DTH operator does not agree to either of these, the DTH operator will be forced to enter into RIO deal. The contention of TRAI is that since the channels are taken in bulk which amounts to getting the channels at a discounted rate, therefore the channels should be made available at discounted rate only. It is completely flawed logic. The so-called discount is on account of various factors and is not related to the pricing part alone. The said position has been duly recognized by TRAI in its Tariff Order dated 21<sup>st</sup> July 2010. In CPS deals invariably the DTH operators are required to make subscription payments based on the number of STBs deployed even if only one channel out of various channels is provided to/opted by the customers. Thus, it is completely erroneous on the part of TRAI to proceed on this assumption. As per the provisions of the proposed Tariff Order, if a subscriber opts for 3-4 channels of Star or Zee which whom Dish TV has CPS deal, such a scenario would be a loss making proposition for Dish TV which is clearly evident from the table attached with the response.

4. **The proposed draft Tariff Order is neither in the interest of the industry nor in the interest of the subscribers**

- 4.1 Dish TV, most respectfully, submits that the Draft Tariff Order issued by TRAI does not *inter alia* seem to meet the consumer interest. On the contrary, the proposed draft is completely prejudicial to the interest of the consumers. The TRAI itself admits in the Tariff Order that if the proposed provisions are put in place in the manner and form proposed and prescribed by TRAI, it shall force the operators to increase the price of the bouquets being offered to the consumers thereby making the said Tariff Order anti-consumer. In fact in the illustrations given in **Annexure 1 to Appendix A**, the TRAI itself has calculated the increase in Bouquet

price due to proposed twin condition. In almost all the cases, there has been an increase ranging from 100% to 300% in the bouquet prices because of the proposed twin condition. It is most respectfully submitted that the regulations / tariff orders to be prescribed by the TRAI has to secure the interest of the consumers as well as the stake holders. Thus the propose Tariff Order may result in either increase in the bouquet prices for the consumers as illustrated in the Explanatory Memorandum itself or the lesser number of channels in bouquet in order to align the bouquet price with the proposed twin condition. In either of the situation the consumer will be looser. It is not understood as to why such an anti consumer stipulation is sought to be proposed by the Authority.

- 4.2 The TRAI has itself stated in the Explanatory Memorandum to the proposed Tariff Order that the broadcasters used to provide bouquets and later on to serve the consumers' interest, the provisions for mandatory a-la-carte offerings were introduced at wholesale level. A perusal of various other Tariff Orders and Interconnect Regulations including RIO Regulations issued by TRAI would reveal that the RIO a-la-carte pricing of a channel has been derived from the bouquet price. However, strangely in this Tariff Order the TRAI has adopted a reverse approach i.e. first the RIO a-la-carte pricing has been mandated to be that of two times the RIO a-la-carte pricing at the wholesale level and secondly the price of the bouquet is sought to be derived from such a-la-carte pricing so as to comply with the twin condition. In the process if any adjustment is required to be made in the bouquet pricing the same has been illustrated in the Annexures attached to the Explanatory Memorandum. This is not only completely contrary to various other Tariff Orders and Regulations issued by TRAI but also a flawed approach. In fact this flawed approach has led to various anomalies in the proposed Tariff Order.

4.3 It is stated that the retail pricing on DTH platform has been on forbearance since the DTH industry has always been a highly competitive industry and the market has forced all the DTH operators to continue providing the services on competitive terms. It is a matter of fact that unlike cable where the consumers do not have a choice of an alternative cable service provider for availing the cable services, DTH has been providing the consumer with choice(s) at an affordable price and also the option to choose between the six DTH operators. Further, the movement of the subscribers from one DTH operator to other alternate DTH operator is also facilitated under the Commercial Interoperability provided for by the TRAI. It is also an established fact that the DTH operators have been providing much better service and mix of channels at an affordable pricing to the consumers. The said situation of a highly competitive industry is prevalent even today. However the way the proposed Tariff Order has been structured for airing at ala-carte rate ceiling, it would force the DTH operator(s) to revise/increase the rates of their bouquet(s) to the detriment of consumers and would adversely affect the industry as well.

In view of the abovementioned preliminary submissions it is submitted that the retail pricing in the Addressable Systems be left to forbearance as the same has worked satisfactorily since last 10 years. It is also stated that the exercise of fixation of ala carte price of the channels at retail level should be undertaken if the need so arises only after initiating and undertaking a comprehensive tariff fixation exercise for the addressable sector rather than this piecemeal approach of addressing only the retail level tariff.

5. **Submissions to the Draft Tariff Order:**

The submissions to the draft Tariff order are being made without prejudice to the preliminary submissions hereinabove.

**Loss of Flexibility to change the composition of packs:**

- 5.1 Contrary to the claims in the Explanatory Memorandum to the proposed tariff order will take away all the flexibility of DTH operator with respect to the packaging of the channels. The addressable platforms would be forced to package the channels in such a manner where the package has less number of pay channels, less number of FTA channels with increase in the price of the package. The channels are added in particular existing bouquet as per genre of the channel. As such if DTH operator wants to add any new launched channel in particular existing bouquet then same will force it to re-shuffle the a-la-carte price of all channels comprising in bouquet and may lead in depriving its flexibility as per business need, thus defeating the very intention of the Authority.

Thus, the Authority's objective to provide DTH operators flexibility with regard to pricing and packaging their offerings at the retail level, will not be achieved if the proposed twin condition is implemented

- 5.2 In addition to the above, while citing freedom to the DTH operators in respect of the packaging and operational flexibility, the TRAI has put a cap on the maximum discount which can be provided by the DTH operators to 66.66% while forming the bouquet rate over the sum of a-la-carte rates of the channels forming part thereof. While no basis has been provided by TRAI for arriving at the figure of 66.66% the very proposal of the same is anti-consumer and clearly against the right of packaging of

the DTH operators. It is there proposed that there should not be any restriction on the quantum of discount to be provided by the DTH operators and such provision of discount should be kept out of the purview of the application of the twin condition.

6. **No Basis for Adopting the norm of “two times” the Wholesale RIO price**

It is stated that the first condition of the proposed tariff order stipulates that the rate of any ala carte channel shall not be more than twice the RIO rate of the said channel. Without prejudice to the submissions made in the preliminary submissions above regarding the approach being quite contrary to the various Tariff Orders and RIO Interconnect Regulations, it is submitted that the stipulation of the rate of the channel to be not more than twice the RIO rate is without any basis. The TRAI has not explained the rationale of taking only “two times” instead of “three” or “Four”. An ad-hoc figure has been adopted without any substantiation/basis. It is because of such a flawed approach, various anomalies have resulted in from the proposed Tariff Order. The said condition would not be in the interest of the subscribers when a DTH operator avails the channels on RIO basis from the broadcasters.

7. **Tax effect Ignored**

Further, TRAI has completely ignored the fact that at times the prices of the bouquets offered by the DTH operators are inclusive of the taxes and therefore while calculating the prices of the bouquets for the purpose of implementation of the twin conditions, the tax components have to be excluded which will reduce the prices of the bouquets. This will further reduce the available amount to be distributed for ala carte rates of the channels among the channels forming part of the particular bouquet.

Accordingly, the condition that the sum of ala carte channels forming part of a bouquet shall not be more than three times of the bouquet is irrational, devoid of logic and does not have any basis/rationale.

8. **TRAI has not excluded HD channels under the twin conditions:**

TRAI has kept HD wholesale tariff pricing under forbearance, however in the proposed draft TO, it is nowhere clarified that HD packs or bouquets having a mix of SD and HD channels shall be excluded from the applicability of the twin conditions. If TRAI applies the twin conditions to HD channels as well, then in order to ensure compliance, the DTH operators will have to substantially increase the package costs leading to making such packages cost prohibitive for the subscribers.

9. **Violation of QoS norms:**

Proposed Twin condition forces DTH to recalibrate both in prices and composition of bouquet. However, Quality of Standards Regulation prohibits the operators to make the changes in the price or composition of subscribed channels during first six months from the date of enrolment. Thus, there would be a scenario where one regulation of TRAI would conflict with a prior regulation of TRAI intended to protect subscriber interests.

Also it is pertinent to mention at this juncture the rate of pay channels are fixed by the Broadcasters and any change in price of a channel by broadcaster or due to change in regulatory regime for wholesale tariff would force DTH operators to recalibrate all its subscription packs and bouquet

10. **Impact on minimum price pack not considered**

Further, while prescribing the twin conditions, the TRAI seems to have completely ignored the fact FTA pack and the Rs. 150 pack which was prescribed by the TRAI around 5 years back vide Tariff Order dated 21<sup>st</sup> July 2010. It is submitted that the TRAI has not considered and in fact completely omitted to ascertain the impact of the twin conditions over such a pack being provided by the DTH operators. As a logical corollary to the proposed Tariff Order, the said minimum price of the said pack would also required to be revised upwards in order to comply with the twin condition. However, the TRAI has not increased the minimum prices of such packs. In view of the same, it would not be possible for the DTH operators to simultaneously comply with both the tariff orders together.

11. **Fixation of FTA channel Price(s)**

The fallacy of the proposed tariff order is also evident from the fact that proposed formula provides for fixation of FTA channel prices despite the fact that the TRAI has been maintaining all along that the intervention would be required only when the prices are exorbitant. Neither any reason has been cited by the TRAI for deviation from its earlier stand nor has any justification been provided in support of the same.

Thus the proposed Tariff Order being completely premature, anti consumer, anti industry and totally flawed for the reasons as stated above, deserves to be dropped by TRAI and the retail pricing be left to complete forbearance.

ITEM NO.2

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F  
RECORD OF PROCEEDINGS

I N D I A

Civil Appeal No(s). 5159-5164/2015

INDIAN BROADCASTING FUONDATION &amp; ANOTHER

Appellant(s)

VERSUS

CENTRE FOR TRANSFORMING INDIA &amp; ANOTHER ETC. ETC.

Respondent(s)

(with appln. (s) for stay and office report)  
I.A. Nos. 20-25 and 26 (appln.(s) for impleadment)

WITH

C.A. No. 5277-5282/2015

(With appln.(s) for stay and Office Report)

C.A. No. 5289-5294/2015

(With appln.(s) for stay and Office Report)

C.A. No. 5352-5357/2015

(With appln.(s) for stay and Office Report)

C.A. No. 5283-5288/2015

(With appln.(s) for stay and Office Report)

Date : 04/08/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

CA 5283-88/15

Mr. Gopal Jain, Sr.Adv.  
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Mr. Angad Dugal, Adv.  
Ms. Liz Mathew, Adv.

CA 5352-57/15

Mr. Amit Sibal, Sr.Adv.  
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Ms. Liz Mathew, Adv.

CA 5159-64/15

Mr. Abhishek M. Singhvi, Sr.Adv.  
Mr. Abhishek Malhotra, Adv.

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Mr. Angad Dugal, Adv.

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Sukhbir Paul Kaur

Date: 2015.08.05

Ms. Liz Mathew, Adv.

17:02:02 IST

Reason:

CA 5159-64/15

Mr. Salman Khurshid, Sr.Adv.

CA 5277-5282/15

Mr. Antony Julian, Adv.

Mr. Sai Krishna Rajagopal, Adv.

Mr. Sidharth Chopra, Adv.

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Mr. Saurabh Srivastava, Adv.  
Ms. Shilpa Gupta, Adv.  
Mr. Manish Kumar, Adv.  
Mr. Shreyas Jain, Adv.  
Mr. Gopal Singh, Adv.

Dr. A.M. Singhvi, Sr. Adv.  
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Dr. A.M. Singhvi, Sr. Adv.  
Mr. Saikrishna Raj Gopal, Adv.  
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Ms. Ruby Singh Ahuja, Adv.  
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For M/s. Karanjawala & Co., Adv.

For Respondent(s)

Mr. K.K. Venugopal, Sr. Adv.  
Mr. Vivek Sarin, Adv.  
Md. Rashid Saeed, Adv.

Mr. Ashok Kumar Juneja, Adv.  
Mr. Chand Qureshi, Adv.  
Mr. Rashid Saeed, Adv.

Mr. Aman Lekhi, Sr. Adv.  
Mr. Ashok Kumar Singh, Adv.  
Mr. Anup Jain, Adv.

Ms. Shally Bhasin, Adv.  
Mr. Lakshmeesh Kamath, Adv.  
Ms. Ayushi Chadha, Adv.

Mr. E. C. Agrawala, Adv.

Mr. Dushyant Dave, Sr. Adv.  
Mr. Gaurav Sharma, Adv.

Mr. Kirtiman Singh, Adv.  
Mr. Gautam Narayan, Adv.  
Mr. R. Arunadhri Iyer, Adv.

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Mr. Harsh Kaushik, Adv.  
Mr. Nar Hari Singh, Adv.

Mr. Sandeep S. Ladda, Adv.

Mr. Soumik Ghoshal, Adv.  
 Mr. Devender Singh, Adv.  
 Ms. Rashmi Nandakumar, Adv.

Mr. Vineet Bhagat, Adv.  
 Ms. Parul Bose, adv.

Ms. Priya Puri, Adv.  
 Mr. Ranjay Dubey, Adv.  
 Mr. S.K. Puri, Adv.  
 Mr. Vibhav Srivastav, Adv.

Mr. Jayant K. Mehta, Adv.  
 Mr. Vikram Singh, Adv.  
 Ms. Kanu Priya Gupta, Adv.

Ms. Indu Malhotra, Sr. Adv.  
 Mr. Apoorva Bhumes Singh, Adv.  
 Mr. Tanvir Nayar, Adv.  
 Mr. Varun Singh, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

order. These appeals are disposed of in terms of the signed  
 of. Pending applications, if any, shall stand disposed

[INDU POKHRIYAL]  
 COURT MASTER

[SUKHBIR PAUL KAUR]  
 A.R.-CUM-P.S.

(Signed order is placed on the file)  
 IN THE SUPREME COURT OF INDIA  
 CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5159-5164 OF 2015

INDIAN BROADCASTING FOUNDATION AND ANOTHER APPELLANT(S)

Versus

CENTRE FOR TRANSFORMING INDIA AND ANOTHER RESPONDENT(S)  
 ETC. ETC.

W I T H

CIVIL APPEAL NOS.5277-5282 OF 2015

VIJAY TELEVISIONS PRIVATE LIMITED APPELLANT(S)

Versus

CENTRE FOR TRANSFORMING INDIA AND ANOTHER RESPONDENT(S)  
 ETC. ETC.

CIVIL APPEAL NOS.5289-5294 OF 2015

STAR INDIA (PRIVATE) LIMITED

APPELLANT(S)

Versus

CENTRE FOR TRANSFORMING INDIA AND ANOTHER  
ETC. ETC.

RESPONDENT(S)

CIVIL APPEAL NOS.5352-5357 OF 2015

VIACOM 18 MEDIA PRIVATE LIMITED

APPELLANT(S)

Versus

CENTRE FOR TRANSFORMING INDIA AND ANOTHER  
ETC. ETC.

RESPONDENT(S)

CIVIL APPEAL NOS.5283-5288 OF 2015

SUN TV NETWORK LIMITED

APPELLANT(S)

Versus

CENTRE FOR TRANSFORMING INDIA AND ANOTHER  
ETC. ETC.

RESPONDENT(S)

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## O R D E R

These appeals are directed against the final judgment and order of the Telecom Disputes Settlement and Appellate Tribunal, at New Delhi dated 28.4.2015 in Appeal Nos. 1(C) of 2014, 2(C) of 2014, 3(C) of 2014, 4(C) of 2014, 5(C) of 2014 and 6(C) of 2014.

We have heard at length, Dr. A.M. Singhvi, learned senior counsel appearing for the appellants and Mr. K.K. Venugopal and Mr. Dushyant Dave, learned senior counsel appearing for the respondents.

At this stage we are not inclined to interfere with the impugned order of remand passed by the Telecom Disputes Settlement and Appellate Tribunal.

Needless to say that the Telecom Regulatory Authority of India shall reconsider the matter, in

the light of the observations made in the order impugned and pass a fresh order.

Till the matter is finally adjudicated, the respondents shall not insist for refund of the amount already collected by the appellants.

The civil appeals are disposed of with the above observations.

As a sequel to disposal of the appeals, all  
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pending interlocutory applications, if any, shall stand disposed of.

.....J.  
(M.Y. EQBAL)

.....J.  
(ARUN MISHRA)

New Delhi,  
August 04, 2015