

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12670/2009

INTERMEDIA CABLE COMMUNICATION PVT. LTD Petitioner
Through Mr. Neeraj Kishan Kaul, Sr. Advocate
with Mr. Navin Chawla, Advocate.

versus

ZEE TURNER LTD AND ORS Respondents
Through Mr. Maninder Singh, Sr. Advocate with
Ms. Pratibha M. Singh and Mr. Nitya Thakur,
Advocates

**CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA**

ORDER

% **27.10.2009**

1. Learned senior counsel for the petitioner states that the petitioner without prejudice to rights and contentions and subject to the final outcome of the appeal will deposit Rs.2 crores on or before 7th November, 2009. The statement is taken on record and accepted.

2. The next question relates to direction to the petitioner to pay Rs.40 lacs plus statutory taxes per month with effect from 24th March, 2009 till the petition is finally decided. The directions given by the learned Telecom Disputes Settlement Appellate Tribunal are without reasons. Learned counsel for the petitioner in this regard has drawn my attention to the averments made in the writ petition and has also pointed out that

the petitioner was earlier paying monthly subscription fee of Rs.30,05,660/-. Learned counsel appearing for the respondent No. 1, on the other hand, has drawn my attention to the contentions raised by the respondents. He submits that the direction for payment of Rs.40 lacs plus statutory taxes was a consent order as the respondent No. 1 has raised a claim of Rs.52 lacs per month. Learned counsel for the petitioner disputes and denies the said contention. Learned counsel further states that as the petitioner company had agreed to pay Rs.2 crores, they are liable to pay monthly subscription charges only with effect from 21st November, 2009 and not from 24th March, 2009. Learned counsel for the respondent No. 1 disputes the said contention on the ground that the respondent No. 1 is entitled to monthly subscription @ Rs.52 lacs from 24th March, 2009.

3. Admittedly, the order dated 20th October, 2009 passed by Telecom Disputes Settlement and Appellate Tribunal is a non-speaking order. It does not deal with the contention of the parties or state the reason why interim direction to pay Rs. 40 lacs per month is being passed. Accordingly, the matter is remanded back to the tribunal for fresh adjudication on the interim application. The learned tribunal will give reasons for deciding the application and will not be influenced by its earlier order dated 20th October, 2009. It is clarified that this Court has not expressed any opinion on the merits of the order dated 20th October,

2009 in favour of the petitioner or the respondent. The matter is already listed before the learned tribunal on 4th December, 2009. However, it will be open to the parties to move an application for early hearing and fixation of the earlier date.

The writ petition and all pending applications are disposed of.

Copy of this order be given dasti to the learned counsel for the parties under signature of the Court Master.

OCTOBER 27, 2009
VKR

SANJIV KHANNA, J.