

**BY SPEED POST**

No.N-38028/23/2014-FM  
Government of India  
Ministry of Information & Broadcasting  
(FM Cell)

Shastri Bhawan, New Delhi  
Dated 25<sup>th</sup> October, 2016

**ORDER**

WHEREAS Grant of Permission Agreements (GOPAs) of FM Radio Phase-II were signed by you with the Government of India for establishing, maintaining and operating FM Radio Stations at Agartala and Itanagar on the terms and conditions mentioned therein.

2. AND WHEREAS it has come to the notice of the Grantor (i.e. Government of India) that the Permission Holder for FM radio broadcasting at Agartala and Itanagar viz. M/s Positiv Radio Private Ltd. had stopped operation without prior approval of the Grantor.

3. AND WHEREAS the Grantor had sought status of these channels from Broadcasting Engineering Consultants India Limited (BECIL) which is the system integrator and the authorized agency of the Grantor for monitoring FM Radio transmission by Private FM operators. BECIL had informed that the Permission Holder had stopped broadcasting in Agartala and Itanagar since June, 2015. Subsequently, the Grantor has also sought confirmation from the Permission Holder with regard to above, and they vide letter dated 16.10.2015 had informed that due to unavoidable circumstances broadcasting of these channels was discontinued by them w.e.f. 26.04.2015.

4. AND WHEREAS it has been admitted by M/s Positive Radio and confirmed by BECIL that the broadcasting of these channels have already been discontinued by the Permission Holder without the approval of the Grantor.

5. AND WHEREAS the Grantor had issued a Show Cause Notice on 16.11.2015 to the Permission Holder under the provisions of clause 25.3.6 of GOPA Phase-II, directing it to explain as to why permission granted to them should not be revoked. However, the Permission Holder failed to reply to the above Show Cause Notice.

6. AND WHEREAS since no reply has been received from the Permission Holder, in the interest of natural justice, the Grantor had issued one more show cause notice to the Permission Holder as a last opportunity to Show Cause by 29.02.2016 as to why permission(s) granted to it to broadcast FM radio under Phase-II may not be revoked. However, no reply was received from them to the second Show Cause Notice also even after expiry of prescribed time period.



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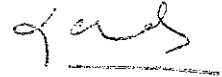
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7. AND WHEREAS Clause 25.1.2 of GOPA Phase-II provides that the grantor may revoke the Permission, if transmission from the channel is discontinued for more than six months for whatever reason. In the instant case, it has been noted that broadcasting of Agartala and Itanagar stations have been discontinued w.e.f. 26.04.2015, which is more than six months.

8. NOW THEREFORE, in accordance clause 25.1.2 of GOPA, the permission granted to the Permission Holder namely M/s Positiv Radio Private Ltd. to establish, maintain and operate the private FM radio Broadcasting Channels at Agartala and Itanagar is hereby revoked w.e.f. date of this order.

9. On such revocation, it is informed that as per clause 25.3.5 of the GOPA Phase-II, "In the event of revocation of Permission, the Permission holder will lose the One Time Non-Refundable Entry Fee (OTEF)".



(S.R. Yadav)

Deputy Secretary to the Government of India

To

1. Managing Director,  
M/s Positive Radio Pvt. Limited.,  
FC-5, Film City, Sector-16A,  
Noida-201301(U.P.).
2. Managing Director,  
M/s Positive Radio Pvt. Limited,  
NE TV-Building,  
A.K. Azad Road, Rehabari,  
Guwahati – 781008  
Assam

Copy to:

- (i) Asstt. Director, Wireless & Planning Coordination Wing, DOT, Ministry of Communications & IT, Sanchar Bhawan, New Delhi
- (ii) ADG(E), AIR Resources, Prasar Bharati, DG:AIR, New Delhi
- (iii) CMD, BECIL, C-56-A/17, Sector 62, Noida.