

"A" Wing, Shastri Bhawan  
New Delhi, Delhi – 110001  
Dated the 9<sup>th</sup> September, 2022

### **Order**

M/s Bhusawal Cable Network Pvt. Ltd. (BCN) has filed an appeal against this Ministry's order dated 30.05.2022 cancelling its MSO registration. The appeal was filed as per the order of Hon'ble High Court of Bombay to BCN in WP No. 6507 of 2022. The operation and effect of this Ministry's Order dt. 30/05/22 has been stayed giving relief to the petitioner during pendency of Appeal.

2. The Appellant appeared before undersigned on 04.08.2022 and availed the personal hearing granted to him. Appellant reiterated contents in the Appeal filed by him at the time of hearing. He also pleaded that the cancellation of registration for the alleged violations is too harsh. On the basis of material available on record and discussions during personal hearing granted to the Appellant on 04.08.2022; following order is passed.

### **Background**

3. This Ministry had granted provisional registration of Multi-System Operator (MSO) to BCN for operating as MSO in Digital Address System in the State of Maharashtra and Madhya Pradesh as notified vide Notification Number 2534 (E) dated 11.11.2011 under Cable Television Networks (Amendment) Rules, 2021 vide its communication number 9/111/2014-BP&L dated 04.11.2015.

4. BCN was subsequently given PAN India registration of MSO vide this Ministry's Circular Number 2/108/2015-DAS dated 27.01.2017 and subsequently treated to have a regular registration of MSO vide this Ministry's Office Memorandum Number 9/406/2016-DAS dated 06.03.2017.

5. The registration of MSO granted to BCN by this Ministry was subject to adherence and compliance of certain terms and conditions.

6. Clause 4 (i) of the terms and conditions of registration of MSO granted to BCN bound it to comply with all the provisions of the Cable Television Networks (Regulation) Act, 1995 and the Rules made thereunder, as amended from time to time.

7. Clause 4 (ii) of the terms and conditions of registration of MSO granted to BCN provided that it should abide by the rules/regulations/orders/directions/guidelines etcetera issued by the regulatory authority or by this Ministry from time to time.

8. Clause 6 of the terms and conditions of registration of MSO granted to BCN cautioned it beforehand that it should ensure its continued eligibility as applicable

throughout the period of the permission and adhere to all the terms and conditions, failing which its permission shall be liable to be terminated /cancelled forthwith without giving any notice.

9. Pursuant to a complaint received in this Ministry against BCN regarding taking feed from DD Free dish and re-transmitting on its network, the Ministry requested the authorized officer (AO) concerned prescribed under the Cable Television Networks (Regulation) Act, 1995 to inquire into the matter and submit his report to this Ministry.

10. The AO in his report dated 20/09/2021 to the Ministry stated that feed from DD Free Dish was used by M/s BCN Private Limited for re-transmission of certain mandatory and private satellite channels. The supporting evidence in the form of Panchanama in the presence of two witnesses and corroborative video recording of the enquiry proceedings were also furnished.

11. In view of report of the AO, opportunity of being heard was provided by the Ministry to BCN vide this Ministry's communications dated 24/09/2021 and 07/10/2021 levelling all charges against it and demanded an explanation as to why non-compliance of the terms and conditions laid down in its MSO registration should not entail termination/cancellation of its registration.

12. In response to Ministry's communications, BCN submitted its reply. The logo of BCN superimposed on logo of DD Free Dish on its cable network for certain Free to Air mandatory DD Channels and Pay channels could not be explained to the satisfaction of the Ministry.

13. The Ministry concluded violation of Section 8 of the Cable Television Networks (Regulation) Act, 1995 read with the Appendix thereto for retransmitting satellite signals of mandatory DD channels by taking signals from KU Band of spectrum in place of mandated C Band.

14. The Ministry also concluded violation of rule 6(3) of the Cable Television Networks Rules, 1994 for the reason of unauthorised reception of DD Free Dish signals by the BCN and re-transmitting on their Cable Network.

15. On above mentioned reasons, the Ministry cancelled the MSO registration granted to BCN on 04.11.2015 giving therein an opportunity to appeal, if any.

16. BCN availed the opportunity and filed an appeal vide its letter dated 28/11/2021 and requested for personal hearing also. Accordingly, a personal hearing was granted to BCN by Appellate Authority i.e. the undersigned, on 23/12/2021 vide letter dated 17/12/2021 and was availed by the Appellant on 23/12/2021.

17. Post considering the submission made by the Appellant, the undersigned being the Appellate Authority passed its order on 14.01.2022 upholding the decision of Registering Authority to cancel the MSO registration granted to BCN.

18. Aggrieved by this, BCN filed Writ Petition No. 1230 of 2022 in Hon'ble High Court of Bombay, Bench at Aurangabad which was decided by the Court by reverting the matter to the Original Authority (OA) i.e. the Registering Authority (RA) for deciding the matter afresh on its own merits and in accordance with law while directing to provide an opportunity of personal hearing to the petitioner (BCN) without being