
(2023) 05 TDSAT CK 0044

In the Telecom Disputes Settlement And Appellate Tribunal

Case No : Broadcasting Petition No. 535 Of 2018

Dish Tv India Ltd

APPELLANT

Vs

Subharti Media Limited And Anr

RESPONDENT

Date of Decision : 19-05-2023

Acts Referred:

Citation : (2023) 05 TDSAT CK 0044

Hon'ble Judges : Ram Krishna Gautam, Member

Bench : Single Bench

Advocate : Kunal Vats, Sanyam Suri, C.S.Gupta

Judgement

1. Learned Counsel for both side are present. Learned Counsel for Respondent No. 1 mentioned, that the very matter in issue is to be decided by this Tribunal, as to whether there was any authorization by Respondent No.1 in favour of Respondent No.2 to enter into an agreement with Petitioner, as was said in Petition and whether the agreement between Petitioner and Respondent No.2, was a forged and fictitious document?

2. The contention, since the beginning of Respondent No.1 is with regard to no authorization and no execution of agreement, so far as Respondent No. 1 is concerned. There is no liability against Respondent No.1. Respondent No.2 is proceeding ex-parte.

3. A request was made for cross-examining Petitioner's witness, when the affidavit in examination-in-chief was filed, by Petitioner. But no opportunity was given. Hence, the burden of proof, rests over Petitioner, to prove that there was an authorization by Respondent No.1, in favour of Respondent No.2 and Respondent No.2 entered into agreement with Petitioner and this burden has been discharged by way of filing an affidavit in evidence of examination-in-chief. But cross-examination of witness was requested to be necessary. Hence, an opportunity for cross-examining Petitioner's witness be given.

4. Learned Counsel for Petitioner objected this with this contention that file is at

the stage of final argument and such a request, ought to be raised at the time of evidence. Though an opportunity for moving an application, for this relief, was given to respondent no. 1, but it was not availed at that time.

5. Having heard and gone through the order-sheet, it is apparent that this opportunity was give but application with request for cross examination was not made. Hence, an opportunity for cross-examination of witnesses of Petitioner and Respondent No. 1, is being given to both sides.

6. List on 05.07.2023, before the Court of Registrar, either for recording cross-examination or for fixing a date, as per his diary, for recording of cross-examination.