

Decision dated 17.9.2012 regarding news report on ET Now on 23.3.12, titled “Tata’s Telecom Tower JV vs Viom Networks Ltd, to cut 40% of their work force”

Compliant

The complainant alleges that the news report is scandalous and contains false and incorrect statements which have been intentionally incorporated to harm the interest of their client and present distorted and incorrect facts to the viewers/readers. The defamatory and scandalous nature of the news report is evident from the beginning statement of the news report on ET Now that “Tata Telecom Star JV Viom Networks has been in the news for all the wrong reasons”.

Decision:

NBSA considered the legal notice/complaint, response by the broadcaster and further response by the Advocates and noted that it was stated in the legal notice that if the broadcaster did not take action to tender an unconditional apology and withdraw the news report, the complainant would initiate civil and criminal proceedings against the broadcaster. In view of the contents of the legal notice, the NBSA decided that before it proceeds with the matter under its regulations, it be ascertained from the complainant whether it intended to proceed legally against the broadcaster. Based on the reply received, further action may be initiated under its regulations, in consultation with Chairperson, NBSA.

Accordingly, a communication was sent to the complainant and in response they stated that “though they are certainly aggrieved and not satisfied with the reply dated 31.3.12, and also sur-rejoinder dated 23.5.12, from the broadcaster i.e. ET Now, still considering the totality of the circumstances, they have for the time being, decided not to proceed with any Legal action against ET Now. They certainly reserve their right to proceed against the broadcaster in the event of any repetition of such report/story which is based on incorrect factual status and/or is published/telecasted without verifying the factual status from our end. You may, therefore, please proceed accordingly as per your regulations”

In view of this reply, NBSA decided that it would consider the complaint limited to the aspects relating to the violation of Code of Ethics and Guidelines issued from time to time. Accordingly, a communication be sent to the broadcaster and the complainant for a hearing of the matter to the limited extent.

Both the broadcaster and the complainant were called for a hearing. The following represented:

Bennett, Coleman & Co. Ltd.:

1. Ms. Jyothi Suresh Kumar, DGM Legal & Company Secretary

Viom Networks Ltd.

1. Mr. Naresh Arora, Vice President -Legal

NBSA was informed by the representative of Bennett Coleman & Co. Ltd. that inadvertently she had not seen the communication from NBSA regarding the said hearing and hence she had not brought the concerned editor for the hearing. She requested for postponement of the hearing, which was agreed to by the representative of Viom Networks Ltd. Accordingly, it was decided that both the parties be called again for hearing in the next NBSA meeting.

As decided by the NBSA, both the broadcaster and the complainant were called for a hearing on 17.9.2012. The following represented:

Bennett, Coleman & Co. Ltd.:

1. Ms. Jyothi Suresh Kumar, DGM Legal & Company Secretary
2. Mr. Shailendra Bhatnagar, Chief Editor, ET Now

Viom Networks Ltd.

1. Mr. Naresh Arora, Vice President -Legal

The representatives of the broadcaster and the complainant informed the NBSA that they have agreed for an amicable settlement in the matter and that they would jointly submit the terms of settlement to the NBSA within two weeks. Accordingly the NBSA took no further action in the matter at the hearing. Upon receiving confirmation of the settlement, the matter would be closed.

As decided at the meeting of the NBSA held on 17.9.12, both the parties submitted a letter dated 12.10.2012 to the NBSA wherein it is stated that they have already informed the NBSA vide letter dated 21.6. 2012 that the complainant for the time being has decided not to pursue the matter legally. However, if they find any story / report/broadcast published by the broadcaster in future to be prejudicial to their interests they reserve their right to take steps to defend their position. Accordingly, the matter is closed by submitting the above joint letter.
