



Ref: L/M-MPC/20/078

Mr. Mahendarsingh SARROP  
Company Secretary/Director  
Mayfair and Purely Communications Ltd  
7, Royal Road, Belle Etoile  
Coromandel.

3 August 2020

Dear Sir,

**Re: Revocation Notice of the Private Commercial Free to Air FM Radio Broadcasting  
Licence held by Mayfair and Purely Communications Ltd (Planet FM)**

I am directed to inform you that:

1. On **17 December 2018**, the Authority granted a Private Commercial Free to Air FM Radio Broadcasting Licence to Mayfair and Purely Communications Ltd (Planet FM) (Effective date: **17 December 2018**) for a period of 3 years;
2. At the outset, the Authority reminds you that frequencies in Mauritius, as is the case in other jurisdictions, belong to the State and constitute scarce resources which ought to be judiciously allocated and to be used efficiently.
3. By virtue of section 4(f) of the Independent Broadcasting Authority Act, the Authority "*is the sole authority empowered to issue licences for broadcasting*". By virtue of sections 4(m) and (n) of the Act, the Authority shall [underlining is ours]:

**"(m) promote, together with the ICT Authority, the most efficient use  
of the broadcasting frequency bands; and**

A handwritten signature in blue ink, appearing to be 'kb', is located in the bottom right corner of the page.

- (n) **monitor, after consultation with the ICT Authority, the availability of segments of broadcasting frequency bands and make recommendations for the allocation of frequencies to licensees of broadcasting services.**

4. In granting your application for a Private Commercial Free to Air FM Radio Broadcasting Licence, the Authority, had, *inter alia*, considered your application, the types of programmes you stated you would broadcast and analysed the application in the light of the Independent Broadcasting Authority Act ("the Act"), and carefully considered sections 19 and 4(a), (b), (c), (m) and (n) of the Act. Sections 4(a), 4(b) and 4(c) of the Independent Broadcasting Authority Act provide as follows:

**"4. Objects of Authority**

***The Authority shall—***

- (a) ***promote the provision of a diverse range of radio and television broadcasting services throughout Mauritius;***
- (b) ***promote the development of broadcasting services which are responsive to the needs of the Mauritian audience;***
- (c) ***preserve and promote the pluralist nature of Mauritian culture by ensuring that licensees include, in their services, programmes reflecting the linguistic and cultural diversity of Mauritius;"***

5. In respect to the use of frequencies, the Authority also refers to section 2 (relevant definitions for radio licences are included) and section 18 (p) and 18(r) of the Information and Communication Technologies Act which provides as follows:

*"allocation" means the entry of a given frequency band in the Mauritius Frequency Allocation Table to be used by one or more terrestrial or space radio communication service, or the radio astronomy services;*

*"frequency band" means a continuous frequency range of spectrum;*



*"Mauritius Frequency Allocation Table" means the table where the spectrum plan for Mauritius is detailed;*

*"radio communication" means any transmission, emission or reception of signs, signals, writings, sounds or intelligence of any nature, of a frequency less than 3000 gigahertz, propagated in space without artificial guide;*

*"radio spectrum" means the portion of the electromagnetic spectrum which is below 3,000 gigahertz;*

*"service provider" means any person who provides an information and communication service, including telecommunication;*

*"18. Functions of Authority*

*(1) The Authority shall—*

*(p) allocate frequencies and manage, review and, where appropriate, reorganise the frequency spectrum;*

*(r) set up a radio frequency management unit for the allocation, monitoring, control and regulation of radio frequencies and, with the approval of the Minister, participate in any regional monitoring system;"*

6. The Authority highlights that the Information and Communication Technologies Authority, has not been charging fees to radio broadcasters. The charging of fees is permissible under section 48(2)(b) of the Information and Communication Technologies Act.

7. The Authority is of the considered view that Mayfair and Purely Communications Ltd (Planet FM) has, by its conduct, given rise to a situation whereby the Authority has had no other alternative than to trigger both sections 24(2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act.





8. Sections 24(2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act read as follows:

*"24. Variation and revocation of licence*

*(1) ...*

*(2) Subject to subsections (5) and (7), the Authority may revoke a licence where it is satisfied that—*

*(a) ...;*

*(b) the licensee has ceased his operation under his licence;*

*(c) ...;*

*(d) ...;*

*(e) it is in the public interest to do so; or*

9. The Authority refers to its letter issued to you on 7 July 2020 which, for ease of reference is reproduced at Annex 1.

10. The Authority has taken note of your reply dated 10 July 2020 which is set out at Annex 2.

11. Further to this reply, the Authority carefully considered your reply and sent you another letter dated 23 July 2020 which is set out at Annex 3 and which is also reproduced below:

*"Ref: L/M-MPC/20/074*

*Mr. Mahendarsingh SARROP  
Company Secretary/Director  
"Mayfair and Purely Communications Ltd  
7, Royal Road, Belle Etoile  
Coromandel*

*23 July 2020*

*Dear Sir,*



Re: Request for additional information

I am directed to inform you that the Authority has considered your explanations as per your letter dated 10 July 2020 to show cause as to why the Private Commercial Free to Air FM Radio Broadcasting Licence granted to Mayfair and Purely Communications Ltd (Planet FM) should not be revoked. Mayfair and Purely Communications Ltd (MPCL) is hereby requested to provide to the Authority the following additional information by Wednesday 29 July 2020 at noon, by latest:

- (1) a certified copy of the Financial Statements of Mayfair and Purely Communications Ltd as at date;
- (2) update on the criminal and civil case/s by or against by Mr Vedan Choolun;
- (3) update on the criminal and civil case/s by or against Mayfair and Purely Communications Ltd;
- (4) the number of cases, if any, by former employees of Mayfair and Purely Communications against MPCL which is before the Ministry of Labour or any institution or court;
- (5) list of present employees of Mayfair and Purely Communications Ltd, their CV's and certified copies of their employment contracts;
- (6) the programme schedule of Mayfair and Purely Communications with effect from 10 July 2020 up to date; and
- (7) the list of companies/ institutions to which Mayfair and Purely Communications Ltd owe money and the amount due to each company/institution.

You are hereby being informed that a reply is expected from Mayfair and Purely Communications Ltd by Wednesday 29 July 2020, at latest, failing which it will be considered that you have none to make and the Authority will not be precluded to take any action it deems appropriate in the circumstances.

Yours faithfully,  
K. Ramphul  
Acting Director"

12. The Authority, on 29 July 2020, received a reply from you. Your reply was duly considered by the Authority. Your letter is set out at Annex 4.

13. It is also important, for record purposes, to highlight that on 31 July 2020, the Authority received two letters from you, wrongly dated 31 August 2020, which are set out at Annex 5 and Annex 6.

14. The Authority has considered all your explanations, except the letters at Annex 5 and Annex 6, which were unsolicited. In dealing with a regulator, licensees are expected to strictly adhere to deadlines imposed by the regulator.

15. It is the Authority's considered view that Mayfair and Purely Communications Ltd (Planet FM), by its conduct, has ceased its broadcast, a situation contemplated in section 24(2)(b) of the Independent Broadcasting Authority Act. The Authority refers to the material facts set out below:

- (a) by way of letter dated 15 June 2020, the Authority requested explanations from Mayfair and Purely Communications Ltd (Planet FM) as to the absence of broadcast content on Planet FM from Saturday 06 June 2020 to Thursday 11 June 2020 and from 13 June 2020 up to now [i.e 15 June 2020];
- (b) in its reply dated 15 June 2020, Mayfair and Purely Communications Ltd (Planet FM), stated that:

*"As mentioned in our letter dated 5<sup>th</sup> of June 2020, we are in the process of relocating to our new premises at 57 Royal Road, Belle Etoile, Coromandel.*

*Unfortunately, due to the unprecedented situation caused by the COVID 19 lockdown we were unable to contact Mauritius Telecom on time to relocate our Fiber line from Ebène to Coromandel.*



*This delay has caused no broadcast content on the frequencies allocated to Planet FM.*

*We are in the process of rectifying the situation and hope to be on air as soon as possible."*

- (c) The Authority also notes with much concern that the number of days which Mayfair and Purely Communications Ltd (Planet FM) did not broadcast, may, lead the Authority to consider that Mayfair and Purely Communications Ltd (Planet FM) has ***"ceased its operation under its licence"*** within the meaning of section 24(2)(b) of the Act. The Authority would be entitled to hold this view given that no prior notice was given to it by Mayfair and Purely Communications Ltd (Planet FM) that it would allegedly cease to broadcast. Further, it is only upon being queried by the Authority that Mayfair and Purely Communications Ltd (Planet FM) indicated to the Authority that ***"this delay has caused no broadcast content on the frequencies allocated to Planet FM."*** Mayfair and Purely Communications Ltd (Planet FM) even added in its reply dated 15 June 2020 that ***"we are in the process of rectifying the situation and hope to be on air as soon as possible."***
- (d) Mayfair and Purely Communications Ltd (Planet FM) failed to inform the Authority of the break in its broadcast since 13 June 2020;
- (e) the Authority has noted that Mayfair and Purely Communications Ltd (Planet FM) resumed its broadcast at around 11h47 on 10 July 2020;
- (f) by its conduct, as set out above, it would appear that Mayfair and Purely Communications Ltd (Planet FM) has ceased its broadcast, for the period 13 June 2020 to 10 July 2020, under its licence and therefore falls under the situation contemplated by section 24(2)(b) of the Independent Broadcasting Authority Act.

16. In compliance with sections 24 (5), (6) and (7) of the Independent Broadcasting Authority Act, the Authority has by way of letter dated 07 July 2020 (Ref: L/M-MPC/20/064) requested Mayfair and Purely Communications Ltd (Planet FM) to show cause as to why the licence of Mayfair and Purely Communications Ltd (Planet FM) should not be revoked. Further, sections 24(5), (6) and (7) of the Independent Broadcasting Authority Act provide as follows:

*"24(5) Where the Authority is of the view that a licence should be revoked or varied, it shall give written notice of its intention to the licensee together with the reasons therefor;*

*(6) The Authority shall, in a notice under subsection (5), require the licensee to show cause in writing, within such time as may be specified in the notice, why the licence should not be revoked or varied.*

*(7) The Authority shall, after considering the explanations of the licensee, inform him in writing of its decision and the reasons for its decisions."*

17. The reply of Mayfair and Purely Communications Ltd (Planet FM) dated 10 July 2020 was received at the Authority on 13 July 2020.

18. The Authority has considered the explanations, dated 10 July 2020, of Mayfair and Purely Communications Ltd (Planet FM) and by way of letter dated 23 July 2020 (Ref: L/M-MPC/20/074) has requested Mayfair and Purely Communications Ltd (Planet FM) to provide additional information. The reply of Mayfair and Purely Communications Ltd (Planet FM) dated 28 July 2020 was received by the Authority on 29 July 2020.

19. The Authority further considered the explanations of Mayfair and Purely Communications Ltd (Planet FM) dated 10 July 2020 and 28 July 2020.



20. The Authority is dissatisfied with the explanations of Mayfair and Purely Communications Ltd (Planet FM) in as much as the explanations are:

(a) contradictory - in its reply dated 10 July 2020, Mayfair and Purely Communications Ltd (Planet FM) has stated that "*we have recruited a professional team of radio presenters for different programmes and we are excited to broadcast the best radio shows, news, music, interviews, debates, sports, cultural events and a new programmes for the youth of Mauritius*" and in its reply dated 28 July 2020 Mayfair and Purely Communications Ltd (Planet FM) has provided a list of present employees (23) but only 8 contracts of employment dated 2019 have been provided by Mayfair and Purely Communications Ltd. However, as at date, Mayfair and Purely Communications Ltd (Planet FM) is broadcasting essentially music with several breaks in its broadcasts;

(b) frivolous – in its reply of 28 July 2020, Mayfair and Purely Communications Ltd (Planet FM) stated that "*the new vibrant programme schedule is enclosed, and we are launching it from our new location from the 10<sup>th</sup> of August 2020 including the famous RJ TONNI PATTI who will be broadcasting from London between 4pm to 7pm Monday to Friday*". In order to broadcast such content, Mayfair and Purely Communications Ltd (Planet FM) should first obtain the approval of the Authority. As at date, no application to broadcast such content has been made to the Authority;

(c) tainted with inaccuracies - in its reply of 28 July 2020, Mayfair and Purely Communications Ltd (Planet FM) stated that "*MCML is another creditor and...we have mentioned this point in person and in writing to the Management of MCML. They are looking into it and when we get the final figure, we will pay MCML. It could be less than Rs 1.3M.*" However, MCML confirmed by fax to the Authority on 29 July 2020 that Mayfair and Purely Communications Ltd owed the sum of **Rs 2,395,818** to MCML. In addition, Mayfair and Purely Communications Ltd (Planet FM) stated that "*we believe we owe Landscape Rs 1.8 million*". The fact that Mayfair and Purely Communications Ltd (Planet FM) cannot state with precision the amount due to Landscape Mauritius clearly shows that Mayfair and Purely Communications Ltd (Planet FM) is not serious in its explanations.

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In fact, Landscape Mauritius has confirmed to the Authority that Mayfair and Purely Communications Ltd (Planet FM) owed the former a sum of **Rs 4,172,923**. Further, Landscape Mauritius confirmed that a subsidiary company of Mayfair and Purely Communications Ltd, namely Universal Internet Televisions Network Ltd, owes Landscape Mauritius a sum of **Rs 1,031,886**. An information which was never highlighted by Mayfair and Purely Communications Ltd (Planet FM) to the Authority.

21. In addition to the ground laid down in 24(2)(b) of the Independent Broadcasting Authority Act, it is the considered view of the Authority that, by its conduct, the licence of Mayfair and Purely Communications Ltd (Planet FM) may be revoked on the ground of public interest as is contemplated under section 24(2)(e) of the Independent Broadcasting Authority Act. This notice will further explain, in detail, below why such a course of action is warranted.

22. It is also apposite to highlight that Mayfair and Purely Communications Ltd (Planet FM) has not complied with payment of its licence fee as prescribed in regulation 4 of the Independent Broadcasting Authority (Licence Fees) Regulations 2002 which reads as follows:

*"4(1) The licence fee shall be paid for the first time on or before the date of issue of the licence and thereafter, in the case of a fee payable annually, not later than 15 days before such anniversary thereof.*

*(2) Where the licence fee is not paid –*

*(a) within 15 days specified in subsection (1), a surcharge of 10 percent of the licence fee payable shall, in addition to the licence fee, be payable;*

*(b) before the expiry of a period of 90 days from the date of its anniversary, the licence may be revoked, by the Authority."*

23. In addition, paragraph 12 of Licence of Mayfair and Purely Communications Ltd (Planet FM) provides as follows:

*"12. LICENCE FEES AND MONIES OWED*

*12.1 The Licensee shall pay the Licence fees in advance as follows:*

- (a) In respect of the first year, on or prior to the issue of the Licence (on or prior to 17 December); and*
- (b) In respect of each subsequent year until the third year, not later than 15 days before the anniversary (17 December) of the Licence."*

24. Sections 24(2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act read as follows:

**24. Variation and revocation of licence**

(1) ...

(2) Subject to subsections (5) and (7), the Authority may revoke a licence where it is satisfied that -

(a) ...

(b) the licensee has ceased his operation under his licence;

(c) ...

(d)...

(e) it is in the public interest to do so;

(f) ...

25. Sections 37(1)(b) and 37(1)(g) of the Independent Broadcasting Authority Act read as follows:

**37. Offences**

(1) Any person who-

(a)...

(b) contravenes the terms and conditions of his licence;

(c)...

(d)...

(e)...



(f)...

(g) otherwise contravenes any provision of this Act, shall commit an offence.

26. On 28 April 2020, the Authority caused a "*mise-en-demeure*" to be served on Mayfair and Purely Communications Ltd (Planet FM) to claim the licence fee due.

27. On 30 June 2020 Mayfair and Purely Communications Ltd (Planet FM) paid the Licence fee of **Rs 400,000** together with a penalty of **Rs 40,000**.

28. By its conduct, Mayfair and Purely Communications Ltd (Planet FM), has failed to comply with regulation 4 of the Independent Broadcasting Authority (Licence Fees) Regulations 2002 and paragraph 12 of its licence both of which are binding on it. It is also highlighted that the non-compliance with paragraph 12 of the licence of Mayfair and Purely Communications Ltd (Planet FM), potentially attract criminal liability on the directors of the company pursuant to section 37(1)(b) and 37(2) of the Independent Broadcasting Authority Act. It is also highlighted that a failure to pay licence fees under the Independent Broadcasting Authority (Licence Fees) Regulations 2002 is a breach of the Independent Broadcasting Authority (Licence Fees) Regulations 2002. A breach of these regulations also constitutes a breach of sections 37(1)(g) of the Act. Further, such a breach is also constituting a clear breach of section 37(1)(b) of the Act since paragraph 12 of the licence of Mayfair and Purely Communications Ltd (Planet FM) makes it clear that there are specific dates on which its licence fees are payable (a binding condition in respect of which strict and mandatory compliance is expected of the licensee).

29. The Authority has taken into account the fact that a late payment was made by Mayfair and Purely Communications Ltd (Planet FM) and has chosen not to apply regulation 4(2)(b) of the Independent Broadcasting Authority (Licence Fees) Regulations 2002 which could have been invoked as the sole ground to revoke the licence of Mayfair and Purely Communications Ltd (Planet FM). This ground, is considered, by the Authority, to be a serious ground, but pales in comparison to the public interest ground which will be expatiated upon in this notice of revocation of licence.



### Revocation of licence under the “public interest” ground

30. The words “public interest” in section 24(2)(e) of the Independent Broadcasting Authority Act have not been defined and it is arguable that this is intended as a legislative device as what amounts to “public interest” is a concept which will vary according to many factors which cannot be set out, in detail, in legislation. It is therefore apposite to consider how those words have been interpreted in other jurisdictions. In the UK, OFCOM’s decision to suspend the licence of **IMAN MEDIA UK LIMITED**, the following may be read at paragraph 52 of the notice of revocation which assists in shedding some light on the issue of “public interest” [underlining is ours]:

*“52. While we recognise the needs highlighted by the Licensee and stakeholders, Ofcom also has a specific statutory duty to ensure broadcasters do not transmit material that is likely to encourage or incite crime or lead to disorder. The principal reason for broadcasting to be regulated at all is to protect audiences. To this end, broadcast licensees are required to comply with the Code, containing standards applicable to the content that is broadcast. This covers a range of matters, including for example the safeguards that must be observed to prevent incitement to the commission of crime or disorder. In addition, licensees must comply with licence conditions concerning a range of matters, including establishing and maintaining appropriate compliance procedures. Ofcom’s published regulatory standards and the conditions contained in broadcast licenses are designed to embody the requirements of responsible broadcasting. Key considerations as to whether it is necessary in the public interest for a licensee’s licence to be revoked in that context will be that person’s compliance with regulatory standards and the conditions of its licence and whether the licensee’s keeping of the licence poses a clear risk of substantial harm to an audience, if it brings into question public confidence in the regulated activity, or if it indicates that the licensee lacks respect for, or ability to comply with, the regulatory regime so that continued ownership of the licence would undermine that regime.”*

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31. In the United States, the notion of imposing a public interest obligation broadcast station operators was first put forth officially by Herbert Hoover in 1924. As secretary of commerce for Republican President Calvin Coolidge, Hoover argued that radio ***“is not to be considered as merely a business carried on for private gain...It is a public concern impressed with the public trust and is to be considered primarily from a standpoint of public interest to the same extent and upon the basis of the same general principles as our public utilities.”***

32. It is the Authority's considered view that allocating a radio licence to an operator is a privilege and amounts to granting a scarce resource, belonging to the public, to that operator. Airwaves are public resources and no person or corporation could own the electromagnetic spectrum flowing through the air. As a result, there is a quid pro quo for the Authority's grant of spectrum use. The Authority would hand over a licence to use the airwaves to operate a station for a fixed period of time. In exchange, the lucky recipient of this extremely lucrative asset would operate the station as a trustee for the public that owned this spectrum, with the obligation to perform certain functions for the greater good beyond merely airing entertainment programming. It is, therefore, not by accident, that licences are granted by the Authority for a term of 3 years and the said licences are renewable. In other jurisdictions, there is a prescribed time-limit for the renewal of licences so that the airwaves are not monopolized and exploited to the commercial and other benefit of a small class of persons only. A licence to broadcast amounts to a broadcasting privilege and it cannot, and ought not, be construed as a right to selfishness. It will rest on the public interest to be served.

33. It is apposite to note that it is the Authority's view that a licensee will, *inter alia*, be unable to demonstrate that it has served the public interest where:

(a) it has failed to broadcast or has interrupted its broadcasting operations without informing the Authority in writing and in advance; and

(b) it has failed to broadcast the types of programmes that it undertook to broadcast when it obtained its licence.





34. The issues set out at paragraph 33 above have anxiously been considered by the Authority and the table below illustrates the conduct of Mayfair and Purely Communications Ltd (Planet FM).

***Proposal for Broadcast at the time of Application***

***The programming proposal of Mayfair and Purely Communications Ltd (Planet FM) at the time of application for its licence:***

**Section II – PROGRAMMING**

In its application for a Private Commercial Free to Air FM Radio Broadcasting Licence, dated **27 February 2018**, Mayfair and Purely Communications Ltd (with proposed trading name: Star FM) stated in Section II – Programming that its proposed programme service will include:

1. Mauritius in the World – Public diplomacy;
2. Education – Homework and Lifelong Learning;
3. BusinessWorks;
4. Infusion;
5. We All Care;
6. Youths On Air;
7. Kids On Air;
8. Out of the World.

Mayfair and Purely Communications Ltd (with proposed trading name: Star FM) proposes to produce 18 hours of local programmes per day.

Mayfair and Purely Communications Ltd (with proposed trading name: Star FM) proposes to produce around 90% of local programmes through its range of broadcasting products. An indicative percentage of the proposed programme is as follows:



<b>Programme</b>	<b>Indicative % of Broadcasting Output</b>
News and News Magazines These include news bulletins and flash, news magazines on current affairs, dossiers, documentaries, reportage, interviews, talk shows, lectures to students	40%
Locally produced programmes	75%
Pre-recorded elements	15%
Live studio based programmes (as a share of total live programmes)	80%
Applicant's own productions	90%
Musical programmes (including local music, performance of local artists on air)	40%
Fiction	None
Game Shows	5%
Programmes in European language	45%
Programmes in Asian Language including Bhojpuri	25%
Programmes in Creole	30%

***The Actual Broadcast from 06 June 2020 to 29 July 2020***

An analysis of the programme broadcast by Mayfair and Purely Communications Ltd (Planet FM) for the period 06 June 2020 to 29 July 2020 is as follows:

<b>Date</b>	<b>Time</b>	<b>Content</b>	<b>Remarks</b>
<b>JUNE 2020</b>			
06 June 2020	06h45 – 10h53	Music (No Host)	Broadcast stopped at 10h53
06 June 2020	10h53 – 14h00	No broadcast	
07 June to 10 June 2020	06h45 – 19h30	No broadcast	
11 June 2020	06h45 – 16h39	No broadcast	

11 June 2020	16h39 – 19h30	Music (No Host)	Resumed broadcast at 16h39
12 June 2020	06h45 – 19h30	Music (No Host)	
13 June 2020	06h45 – 13h17	Music (No Host)	Broadcast stopped at 13h17
13 June 2020	13h17 – 19h30	No broadcast	
14 June to 30 June 2020	06h45 – 19h30	No broadcast	
<b>JULY 2020</b>			
06 July to 09 July 2020	06h45 – 19h30	No broadcast	
10 July 2020	06h45 – 11h47	No broadcast	
10 July 2020	11h47 – 19h30	Music (No Host)	Start broadcasting at 11h47
11 July to 27 July 2020	06h45 – 19h30	Music (No Host)	Program <b><i>Bollywood Hungama</i></b> on <b>27/07/20</b> between 12h00 and 15h00 was hosted by Pooja.
28 July 2020	06h45 – 19h30	No broadcast	Intermittent (Music played for only 3 to 5 seconds)
29 July 2020	06h45 – 19h30	Music (No Host)	

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35. The Authority impresses upon all licensees that they are contractually and statutorily bound by the terms and conditions of their licences. The actual programming of Mayfair and Purely Communications Ltd (Planet FM) as set out in the above paragraph clearly breaches paragraphs 23.1, 27 and 28 of its licence which are reproduced below for ease of reference. Paragraphs 23.1, 27 and 28 of the Licence of Mayfair and Purely Communications Ltd (Planet FM) read as follows:

**"23. QUALITY OF PROGRAMMES**

*23.1 The Licensee shall conceive and schedule its broadcasting services so as to ensure that: -*

*(a) diverse radio broadcasting services are provided throughout the Licensed Area;*

*(b) broadcasting services responsive to the needs of the Mauritian audience are provided;*

*(c) they include regular –*

*(i) news service;*

*(ii) programmes on matters of public interest;*

*(iii) programmes on matters of national and international importance;*

*(iv) locally produced programmes;*

*(d) the services -*

*(i) do not encourage or incite crime or racial hatred, or lead to disorder or offend public feeling;*

*(ii) give adequate coverage to information, education, culture, entertainment and recreation;*

*(iii) are impartial and accurate."*

**"27. LOCAL PRODUCTION**

*27.1 The Licensee shall ensure that the content of the local programmes is in conformity with the provisions of the Act.*

*27.2 The Licensee shall schedule and broadcast specialised programmes on road safety, weather forecasts, consumer news and other items which it considers to be of national importance."*

**"28. PROGRAMMES FOR CHILDREN AND YOUTHS**

*28.1 The Licensee shall schedule and broadcast such programmes which appeal and are suitable for children and youngsters at such time and on such days when children and youngsters are expected to be listening. In particular, the Licensee shall have regard to the Code of Ethics (**ANNEX C**)"*

36. A breach of licence conditions is a matter which is of an extremely serious nature. Sections 37(1)(b) and 37(2) of the Act provide as follows:

**"37. Offences**

**(1) Any person who -**

**(...)**

**(b) contravenes the terms and conditions of his licence; shall commit an offence.**

**(...)**

**(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years."**

37. By failing to comply with paragraphs 23.1, 27 and 28 of its licence (by which it is **contractually** and **statutorily** bound), Mayfair and Purely Communications Ltd (Planet FM) has potentially breached sections 37(1)(b) and 37(2) of the Act. It is axiomatic that this type of conduct is not one which may be treated lightly by the Authority. The Authority has the option of reporting the matter to the police for inquiry and eventual prosecution but such a course of action is also,

very clearly, without prejudice to regulatory action under the Act. This is the course of action which the Authority has elected to take in this case.

38. At the time of the application from Mayfair and Purely Communications Ltd (Planet FM) was being assessed, the Authority relied heavily on the type of radio service that Mayfair and Purely Communications Ltd (Planet FM) would be providing to the public and the application was assessed according to the proposal made. It is clear to the Authority that any licensee who behaves in a manner tantamount to misleading the Authority in terms of its proposed and actual service delivery would find itself facing regulatory action for revocation under section 24 of the Act given that a licensee is fully aware that a licence is granted by the Authority, *inter alia*,

- (a) on the basis of a case made out by an applicant;
- (b) after comparing the applicant's proposal against other applicants; and
- (c) after carefully considering the Applicant's proposed programmes and comparing it to those offered by existing operators on the Mauritian market.

39. It is clear that Mayfair and Purely Communications Ltd (Planet FM) obtained its licence on the strength of its proposal but it is equally clear that it has demonstrated that it has utterly failed to live by its proposal. The Authority has fully considered the explanations of Mayfair and Purely Communications Ltd (Planet FM) and is of the view that they do not, in any way, amount to satisfactory explanations in terms of its failure to deliver a service which is compliant with its conditions of licence.

40. The Authority has also considered the monies owed by Mayfair and Purely Communications Ltd (Planet FM) to creditors and is of the view that the licensee has utterly failed to implement a viable business plan. To make matters worse, the licensee has given information which is false and misleading in a material particular to the Authority (this is, in itself, a ground for revocation of a licence under section 24(2)(c) of the Act). However, in the letter sent to Mayfair and Purely Communications Ltd (Planet FM) this particular limb of revocation was not set out and the Authority will treat such an act under section 24(2)(e) which is revocation on ground of "public interest". The Authority cannot be expected to show leniency towards a licensee which seek to



mislead it with levity. Thus, in its reply dated 28 July 2020, Mayfair and Purely Communications Ltd (Planet FM) has stated that *"MCML is another creditor and...we have mentioned this point in person and in writing to the Management of MCML. They are looking into it and when we get the final figure, we will pay MCML. It could be less than Rs 1.3M."* However, MCML confirmed by fax on 29 July 2020 that Mayfair and Purely Communications Ltd (Planet FM) owes the sum of **Rs 2,395, 818** to MCML. In addition, Mayfair and Purely Communications Ltd (Planet FM) has stated that *"we believe we owe Landscape Rs 1.8 million"*. The fact that Mayfair and Purely Communications Ltd (Planet FM) cannot state with precision the amount due to Landscape Mauritius clearly shows that Mayfair and Purely Communications Ltd (Planet FM) is not serious in its averments. In fact, Landscape Mauritius has confirmed that Mayfair and Purely Communications Ltd owes **Rs 4,172,923** to Landscape Mauritius. These 2 instances of providing information which are false and misleading are indicative of the type of conduct which Mayfair and Purely Communications Ltd (Planet FM) has shown towards the Authority. The Authority has not deemed it necessary to probe further in the indebtedness of Mayfair and Purely Communications Ltd (Planet FM) to Mauritius Telecom or to its employees who have, according to several press reports, not been paid. Such a state of affairs contrasts sharply with the cash flow forecast which shows an income of **Rs 243,675,000** (Year 1) and **Rs 145, 645,536** (Year 2) set out in the application for a Private Commercial Free to Air FM Radio Broadcasting Licence dated 27 February 2018, of Mayfair and Purely Communications Ltd (Planet FM) to the Authority.

41. The Authority is mandated by the Act to supervise and regulate the Mauritian broadcasting industry. As such, to adequately perform its duties, it must at all times be in a position to contact its licensees. It is the Authority's view that the inability or unwillingness to provide correct information to the Authority by Mayfair and Purely Communications Ltd (Planet FM) would have a nefarious impact on the ability of the Authority to discharge its statutory duties. Further, interrupting broadcast without prior notification of the Authority is a matter of grave concern and is an issue which, in the Authority's view, triggers the possibility of revocation of a licence under section 24(2)(e) of the Act.



## CONCLUSION

42. Although, the Authority does not manage frequency spectrum, it is the duty of the Authority to ensure that its licensees use the frequency spectrum responsibly, judiciously and efficiently. Thus, section 4(m) of the Act provides that ***“The Authority shall promote, together with the ICT Authority, the most efficient use of the broadcasting frequency bands”***. Radio frequencies are scarce resources and are the property of the State. The fact that Mayfair and Purely Communications Ltd (Planet FM) has had a break in its broadcast clearly shows that Mayfair and Purely Communications Ltd (Planet FM) has not been using the frequencies allocated to it responsibly, judiciously and efficiently.

43. Mayfair and Purely Communications Ltd (Planet FM), has, in addition, to the matters set out at paragraphs 15 of this notice, **“ceased operations under its licence”** for some time and this, is under section 24(2)(b), in itself, a ground for revocation, which has been retained by the Authority. This fact, when assessed in the light of the statutory duty cast on the Authority by section 4(b) of the Act assumes all its importance. Section 4(b) of the Act imposes a statutory duty on the Authority to ***“(b)promote the development of broadcasting services which are responsive to the needs of the Mauritian audience.”*** It can be argued that the Authority would not be fulfilling its object, as set out by section 4(b) of the Act if it fails to take action against a licensee which does not broadcast. As such a licensee cannot be seen to be ***“responsive to the needs of the Mauritian audience”***. In addition, it is arguable that it would be in the public interest to revoke the licence of such a licensee.

44. In view of the fact that Mayfair and Purely Communications Ltd (Planet FM) has effected payment of the licence fee some 6 months after the due date, the Authority has dropped this ground in deciding to revoke the licence of Mayfair and Purely Communications Ltd (Planet FM).

45. Mayfair and Purely Communications Ltd (Planet FM) has not complied with regulatory standards and the keeping of the licence by Mayfair and Purely Communications Ltd (Planet FM) has brought into question public confidence in the regulated activity of broadcasting whereby the continued ownership of the licence would undermine that regime. By failing to broadcast the programmes as stipulated in its application for a Private Commercial Free to Air FM Radio



Broadcasting Licence dated 27 February 2018, as provided in paragraph 23(1)(c) of its licence conditions and coupled with the break in broadcast, Mayfair and Purely Communications Ltd (Planet FM) cannot, under the public interest ground contemplated under section 24(2)(e) of the Act be allowed to retain its licence.

46. After considering all the relevant facts and the mitigating factors, it is the Authority's decision that the contravention of sections 24(2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act and the failure of Mayfair and Purely Communications Ltd (Planet FM) to comply with its obligations under its licence in this case are extremely serious. The conduct of Mayfair and Purely Communications Ltd (Planet FM) was so unacceptable that the Authority does not have confidence that Mayfair and Purely Communications Ltd (Planet FM) would be capable of complying with its Private Commercial Free to Air FM Radio Broadcasting licence.

47. On the basis of all the matters set out above and in the light of the unsatisfactory explanations of Mayfair and Purely Communications Ltd (Planet FM), in the Authority's view, it is necessary in the public interest, to revoke the Private Commercial Free to Air FM Radio Broadcasting licence issued to Mayfair and Purely Communications Ltd (Planet FM) on 17 December 2018. The conduct of Mayfair and Purely Communications Ltd (Planet FM) is such as to justify the revocation under sections 24(2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act. It is also the Authority's view that such a course of action is proportionate and appropriate as no other regulatory action would be warranted in the circumstances set out in this notice. The Authority therefore revokes the Private Commercial Free to Air FM Radio Broadcasting Licence to Mayfair and Purely Communications Ltd (Planet FM) with effect from 3 August 2020 at 18:00 hours.

48. The Authority further considers that the contents of this notice support the Authority's view that Mayfair and Purely Communications Ltd (Planet FM) is unfit to hold a broadcast licence.

49. The Authority expects full compliance with this notice of revocation. Any person who broadcasts without being licensed commits a criminal offence under sections 18(1)(a), 37(1)(a) and 37(2) of the Act. These sections are reproduced below for ease of reference.

"18. Prohibition against broadcasting

- (1) Subject to subsection (2), no person shall provide a broadcasting service unless—



(a) he is licensed to do so under this Act; and

37. Offences

(1) Any person who—

(a) provides a broadcasting service without being licensed under this Act;

shall commit an offence.

(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years."

Yours faithfully,



K. Ramphul

Acting Director

On behalf of the IBA Board

Copy to:

- (1) MultiCarrier (Mauritius) Limited; and
- (2) Information and Communication Technologies Authority (ICT Authority).



# Independent Broadcasting Authority

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Ref: L/M-MPC/20/064

Mr. Mahendarsingh SARROP  
Company Secretary/Director  
Mayfair and Purely Communications Ltd  
57, Royal Road, Belle Etoile  
Coromandel

07 July 2020

Dear Sir,

**Re: Letter to show cause why the licence of Mayfair and Purely Communications Ltd  
(Planet FM) should not be revoked**

I am directed to inform you that:

1. The Authority is of the considered view that Mayfair and Purely Communications Ltd (Planet FM) has, by its conduct, given rise to a situation whereby the Authority has had no other alternative than to trigger sections 24(2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act.

2. Sections 24 (2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act read as follows:

***"24. Variation and revocation of licence***

***(1) ...***

***(2) Subject to subsections (5) and (7), the Authority may revoke a licence where it is satisfied that—***

A handwritten signature in blue ink, appearing to be 'KR', is written over a horizontal line at the bottom right of the page.

- (a) ...;
- (b) the licensee has ceased his operation under his licence;**
- (c) ...;
- (d) ...;
- (e) it is in the public interest to do so; or**

3. It is the Authority's considered view that Mayfair and Purely Communications Ltd (Planet FM) seems to have ceased its operation, a situation contemplated in section 24(2)(b) of the Independent Broadcasting Authority Act. The Authority refers to the material facts set out below:

- (a) by way of letter dated 15 June 2020, the Authority requested explanations from Mayfair and Purely Communications Ltd (Planet FM) as to the absence of broadcast content on Planet FM from Saturday 06 June 2010 to Thursday 11 June 2020 and from 13 June 2020 up to now [i.e 15 June 2020];
- (b) in its reply dated 15 June 2020, Mayfair and Purely Communications Ltd (Planet FM), stated that:

***"As mentioned in our letter dated 5<sup>th</sup> of June 2020, we are in the process of relocating to our new premises at 57 Royal Road, Belle Etoile, Coromandel.***

***Unfortunately, due to the unprecedented situation caused by the COVID 19 lockdown we were unable to contact Mauritius Telecom on time to relocate our Fiber line from Ebène to Coromandel.***

***This delay has caused no broadcast content on the frequencies allocated to Planet FM.***

***We are in the process of rectifying the situation and hope to be on air as soon as possible."***





- (c) As at date, Mayfair and Purely Communications Ltd (Planet FM) is no longer broadcasting and has failed to inform the Authority of the break in its broadcast since 13 June 2020;
  - (d) the Authority is not aware what the timeline "*as soon as possible*" in your letter dated 15 June 2020 refers to. More than 22 days have already elapsed since the break in the broadcast occurred; and
  - (e) by its conduct, as set out above, it would appear that Mayfair and Purely Communications Ltd (Planet FM) has ceased its operation under its licence and therefore falls under the situation contemplated by section 24(2)(b) of the Independent Broadcasting Authority Act.
4. Further, the conduct of Mayfair and Purely Communications Ltd (Planet FM), is such that in the considered view of the Authority, it is in the public interest to revoke its licence as is contemplated under section 24(2)(e) of the Independent Broadcasting Authority Act:
- (a) Mayfair and Purely Communications Ltd (Planet FM) has not complied with payment of its Licence fee as prescribed in regulation 4 of the Independent Broadcasting Authority (Licence Fees) Regulations 2002 which reads as follows:
    - "4(1) The licence fee shall be paid for the first time on or before the date of issue of the licence and thereafter, in the case of a fee payable annually, not later than 15 days before such anniversary thereof.*
    - (2) *Where the licence fee is not paid –*
      - (a) *within 15 days specified in subsection (1), a surcharge of 10 percent of the licence fee payable shall, in addition to the licence fee, be payable;*



(b) *before the expiry of a period of 90 days from the date of its anniversary, the licence may be revoked, by the Authority."*

- (b) in addition, paragraph 12 of licence of Mayfair and Purely Communications Ltd (Planet FM) provides as follows:

**"12. LICENCE FEES AND MONIES OWED**

**12.1 The Licensee shall pay the Licence fees in advance as follows:**

**(a) In respect of the first year, on or prior to the issue of the Licence (on or prior to 17 December); and**

**(b) In respect of each subsequent year until the third year, not later than 15 days before the anniversary (17 December) of the Licence"**

- (c) on 28 April 2020, the Authority caused a "*mise-en demeure*" to be served on Mayfair and Purely Communications Ltd (Planet FM) to claim the unpaid licence fee due;
- (d) on 30 June 2020 Mayfair and Purely Communications Ltd (Planet FM) paid the Licence fee of Rs 400,000 and a penalty of Rs 40,000;
- (e) by its conduct, Mayfair and Purely Communications Ltd (Planet FM), has failed to comply with regulation 4 of the Independent Broadcasting Authority (Licence Fees) Regulations 2002 and paragraph 12 of the its licence both of which are binding on it;
- (f) in addition, Mayfair and Purely Communications Ltd (Planet FM), by its conduct, as set out above, failed to comply with sections 37(1)(b) and 37(1)(g) and section 37(2) of the Independent Broadcasting Authority Act; and

- (g) taking into account the above matters, the Authority is of the view that it is in the public interest to revoke the licence of Mayfair and Purely Communications Ltd (Planet FM).

You are hereby requested to show cause, in writing, by **Monday 13 July 2020 by noon**, at latest, as to why the **Private Commercial Free to Air FM Radio Broadcasting Licence** granted by the Independent Broadcasting Authority to Mayfair and Purely Communications Ltd (Planet FM) (for the period 17 December 2018 to 16 December 2021) should not be revoked pursuant to sections 24(2)(b) and 24(2)(e) of the Independent Broadcasting Authority Act and the reasons set out in this letter.

Yours faithfully,



K. Ramphul

Acting Director



Mayfair and Purely Communications Limited  
57, Royal Road, Belle Etoile,  
Coromandel, Mauritius



Independent Broadcasting Authority	
<b>RECEIVED</b>	
Date	13/07/2020
Signatures	

Mr. Ajay Ramphul (Acting Director)  
Independent Broadcasting Authority  
Level 2 The Celi Court  
6, Sir Cellicourt Antelme Street  
Port Louis

Date: 10<sup>th</sup> July 2020

Dear Mr. Ramphul,

**Re: Letter to show cause why the license of Mayfair and Purely Communications Ltd (Planet FM) should not be revoked**

Thank you for your letter dated 07<sup>th</sup> July 2020.

Planet FM was temporarily off air while we were in the process of relocating our studios from Ebene to Coromandel.

Unfortunately, due to the unprecedented crisis caused by the COVID-19 lockdown in Mauritius and the world, we were unable to establish a link to Multi Carrier (Mauritius) Ltd to broadcast on time. The situation has been rectified and Planet FM is now broadcasting from its five transmitters all over the island.

In a Crisis like Covid-19, we had to abide by the Mauritius government rules. As you know well, your office was closed for a while too. Because of Covid-19, many businesses had to postpone many of their plans and have accepted that no revenues would be accumulated during the confinement.

So far, under the leadership of the Prime minister, we are covid-19 free but the Prime Minister has made it public knowledge that he will not hesitate to introduce the confinement if we were attacked by this dreadful virus again.

The best thing for all of us to do is to support the Prime Minister's Covid-19 plan to safeguard our country.

As you are aware the directors of Mayfair and Purely Communications Ltd were involved in a Supreme court case in which the Independent Broadcasting Authority was a co-respondent to establish who the legitimate shareholders of the company are.

One of the directors falsely and maliciously claimed that he was the sole shareholder of the company when he had already transferred 95.2 % of the shares to Mr. B V Choolun and Mr. A. K. Audit.

Because of the uncertainty of the shareholding the company was illegally being managed by other falsely appointed directors for some time and that caused the company to suffer financially due to mismanagement.

These illegal directors were eventually revoked by Mr. B.V. Choolun and Mr. A.K. Audit and we are now in full control of MPCL. Planet FM can now get back on track and abide by the IBA regulations.

However, eventually, to our satisfaction, we were vindicated by the supreme court that both B.V. Choolun and A. K. Audit are the legitimate owners and shareholders of Mayfair and Purely communications Limited. IBA lawyers were represented and they know that the case was put aside. We won the case.

Planet FM had created employment for over seventy people and was professionally managed until the change in management. However, we have put aside the bad experiences and we are very pleased to inform you that we have fortunately restructured our company and have injected new resources to make it the best radio in Mauritius.

Furthermore, we are pleased to know that you have confirmed the receipt of RS 440,000 for our license fee plus a penalty for the delay. We do promise that this delay will not happen again.

We have recruited a professional team of radio presenters for different programmes and we are excited to broadcast the best radio shows, news, music, interviews, debates , sports, cultural events and a new programmes for the youth of Mauritius.

As mentioned during our first interview at your office, we are connecting our Radio to our 500,000 expat Mauritians in Europe and the world through our mobile Apps, internet, Facebook, and other social media platforms.

We will abide by all IBA rules and cater for our multi-cultural communities in Mauritius.

Our radio's theme is called "THE PEOPLE'S RADIO". We will offer our Radio platform to our audience in Mauritius and abroad for special music events which will be broadcast live in Mauritius and abroad.

We have already established a listener's fan club of over 200,000 listeners per day in Mauritius and they are already tuning in to our new programmes. However, the listeners are looking forward to one especially important world DJ's who has accepted to broadcast for 3 hours per day on our radio.



Plus, we are already talking to a few cabinet ministers and business, cultural, entertainment and legal personalities for interviews soon.

We are also offering all our Mauritius cultural societies 1 hour of their own programme for their special event each month.

Our different Radio programmes will reflect our cultural diversities and we will safeguard the freedom of the media and protect our democratic values and aspirations. We will no doubt produce over 40% of our local programmes for our audience.

From now on we will be live on air 24/7 and 365 days a year.

We are planning to be the number 1 Radio in Mauritius.

We sincerely apologise for any inconvenience caused and hope to abide by IBA rules and provide a world class Radio service to our listeners in Mauritius and abroad.

Finally, during our interview with over 17 officials at IBA, As the chairman of MPCL, I made a promise to deliver a first class Radio broadcasting in Mauritius, This goal is now in full swing and preparation is already in place.

Our goal is to offer a modern, exciting 21<sup>st</sup> century Radio broadcasting to our audience in Mauritius and abroad.

Looking forward hearing from you at your earliest convenience

Yours sincerely

B.V. CHOOLUN

Executive Chairman of MPCL and the Board

A.K. AUDIT

Managing Director of MPCL and member of the Board.

Independent Broadcasting Authority	
<b>RECEIVED</b>	
Date	15/07/2020
Signatures :	





Ref: L/M-MPC/20/074

Mr. Mahendarsingh SARROP  
Company Secretary/Director  
Mayfair and Purely Communications Ltd  
7, Royal Road, Belle Etoile  
Coromandel

23 July 2020

Dear Sir,

**Re: Request for additional information**

I am directed to inform you that the Authority has considered your explanations as per your letter dated 10 July 2020 to show cause as to why the Private Commercial Free to Air FM Radio Broadcasting Licence granted to Mayfair and Purely Communications Ltd (Planet FM) should not be revoked. Mayfair and Purely Communications Ltd (MPCL) is hereby requested to provide to the Authority the following additional information by **Wednesday 29 July 2020 at noon, by latest:**

- (1) a certified copy of the Financial Statements of Mayfair and Purely Communications Ltd as at date;
- (2) update on the criminal and civil case/s by or against by Mr Vedan Choolun;
- (3) update on the criminal and civil case/s by or against Mayfair and Purely Communications Ltd;
- (4) the number of cases, if any, by former employees of Mayfair and Purely Communications against MPCL which is before the Ministry of Labour or any institution or court;
- (5) list of present employees of Mayfair and Purely Communications Ltd, their CV's and certified copies of their employment contracts;
- (6) the programme schedule of Mayfair and Purely Communications with effect from 10 July 2020 up to date; and
- (7) the list of companies/ institutions to which Mayfair and Purely Communications Ltd owe money and the amount due to each company/institution.

Page 1 of 2

You are hereby being informed that a reply is expected from Mayfair and Purely Communications Ltd by Wednesday 29 July 2020, at latest, failing which it will be considered that you have none to make and the Authority will not be precluded to take any action it deems appropriate in the circumstances.

Yours faithfully,



K. Ramphul

Acting Director

Mayfair and Purely Communications Limited  
57, Royal Road, Belle Etoile,  
Coromandel, Mauritius



Mr. Ajay Ramphul (Acting Director)  
Independent Broadcasting Authority  
Level 2 The Celi Court  
6, Sir Cellicourt Antelme Street  
Port Louis

Independent Broadcasting Authority	
<b>RECEIVED</b>	
Date :	29/07/2020
Signatures :	

Date :28<sup>th</sup> July 2020

Dear Mr. Ramphul,

Re: Request for additional information

Thank you for your letter dated 23<sup>rd</sup> July 2020.

(1) A copy of the Financial Statements of Mayfair and Purely Communications Ltd is enclosed.

(2) There has been no prosecution before the relevant court nor conviction against the said Mr. Choolun.

There is not any personal civil case outstanding against Mr. Choolun in any civil court

(3) There are civil cases against Mayfair and Purely Communications Ltd (MPCL)

The first civil case was an injunction against MPCL which was outrightly rejected by the judge concerning the ownership of the MPCL shares. Later, another judge for the same case decided to put aside the case and the opposite lawyer conceded defeat.

IBA lawyer was present and involved in this case. The Registrar was also involved and both Mr. Choolun and Mr. Audit are legal owners of 95.2% of MPCL shares. There have been no more challenges from the other party in this matter.



An administration error by a judge in the commercial court resulted in the appointment of an administrator of MPCL a few months back. The good news for MPCL is the Honorable Chief Justice, Mr. Balancy gave a stay of execution and the administrator had to resign and MPCL was allowed to carry on running our company.

Furthermore, the Supreme Court under the instruction of Chief Justice Balancy directed MPCL to carry on with our Radio business and instructed our lawyers in Mauritius to serve an affidavit to Orbis Private Solutions SA, in Labuan, Malaysia because Mr. Raphael Eggenspieler of Orbis Private Solutions is untraceable in Mauritius.

Our Lawyers in Malaysia who went to serve the affidavit discovered that Orbis Private Solutions SA has no office, no Director and it is allegedly a paper company with just a secretarial address but no staff.

The affidavit from Malaysia has been submitted to the Supreme court by our lawyers Me Ajay Daby and Me Hemend Fulena. We are waiting for the outcome about this case

Furthermore, both our lawyers are prepared to answer any legal matters concerning MPCL.

2. A legal demand by Nineteen Fifty Design Ltd for Rs 600,000 which we intend to settle in stages. However, first, we are disputing the figures for Billboards and printing materials which this company did for MPCL. Again, our lawyer is in touch with the concerned lawyer to come to a figure agreed by both parties and then a schedule of payment will be put in place.

4 An agreement has been reached with the Ministry of Labour and all former employees to settle all outstanding payments within three months. A first payment has already been made. Both MPCL and the employees are satisfied with the personal agreement with MPCL.

We are also re-employing over ten of these employees back at MPCL. Many of them are keen to rejoin us and some of them are phoning us daily to join us. We are considering a few with new contracts and terms of employment.

Mayfair and Purely Communications Ltd presently employ the following people:

List of Present Employees and we are planning to add another 7 new employees in October 2020. We have identified them, and we are checking their CVs.

Tech Dept:  
Avinash Bucktowar

Manikesh Seebaluck  
Jason Louison  
Jhurry Mohinish  
Stephan Barbier (PT)

Entertainment Dept  
Jimmy Gassel  
Toni Patti  
Shakeel Mandani  
Miguel Francois  
Michaela Young  
Pooja Ramdowar  
Jonathan Dupuy

News Dept  
March Pierre  
Iqbal oozageer  
Yash Saurty  
Farryade Ally

Sales:  
Cynthia Rivet

Admin:  
Yash Hemraz  
Poonam Doomun  
Sharmila Ramchurn

Operations  
Chintu Sarrop

Online  
Adarsh Ramsurrun  
Keshinee Bhoodhoo

## **6. THE PROGRAMME SCHEDULE:**

The new vibrant programme schedule is enclosed, and we are launching it from our new location from the 10<sup>th</sup> of August 2020 including our famous RJ, TONI PATTI who will be broadcasting from London between 4 pm to 7 pm Monday to Friday. However, the covid-19 and our moving to our new location did hamper and change some of our programme between the 10<sup>th</sup> July to now which we do sincerely apologies but from the 10<sup>th</sup> of August we are launching a brand new radio for our listeners.



**This new launch will be what we originally had in mind until a few people tried to jeopardize our goal.**

**My lawyers are negotiating a new payment schedules with the following companies.**

**Our intention is truly clear. We will honour our payment commitments to these companies.**

- 1. We have an overdraft facility of Rs 2.5m rupees with Maubank. Because of the Covid-19, we did not get any revenues from advertising for nearly 4 months. Unfortunately, Maubank took legal action against MPCL. Yesterday MPCL Directors and I were asked to meet with Maubank's officials and a payment proposal has been suggested to MPCL with a first payment next week plus the overdraft will be converted into a term loan with 3 years period to pay the new loan. I will keep you posted about this new loan. In addition to that, yesterday, I had a call from Maubank's CEO, Mr P. Mungar about this case and he has asked my team to submit the proposal mentioned by the bank officials which we have already done.**
- 2. MCML is another creditor and we are waiting for an answer concerning a schedule payment. However, our centre frequency was not covering the central area well. We have mentioned this point in person and in writing to the Management of MCML. They are looking into it and when we get the final figure, we will pay MCML. It could be less than Rs 1.3M. Here again we will pay them the monthly fee regularly and pay an extra amount to cover the arrears.**
- 3. Mauritius Telecom has been a costly business for MPCL. We owe them Rs 2.1 million rupees. The previous Management without the two largest shareholders permission Mr. Choolun and Mr Audit gave 70 mobile phones to the staff and 70 computers and the staff abused the mobile phones for personal use. Our fibre optic link to Malherbe's was only Rs 25,000 per month but the staff abused our mobile services and fixed lines. Hence, the amount owed to MT. we are in negotiation to pay MT in a schedule payment and we are putting our proposal with a first payment and the rest each month for the next 1 year. We have now stopped this wasting of our resources. Our bill will be only Rs 35,000 for the link to Malherbe's and mobile phones.**
- 4. We owe DBM Rs 1.2 million rupees and we have already paid Rs 500,000 and we owe DBM only R 800,00 and our Lawyer is negotiating for a schedule payment and I will keep you posted.**



5. Landscape is another creditor. However, we are prepared to put a financial payment proposal to them. We believe we owe Landscape around Rs1.8 million rupees. The reason why there were two contracts and Here we are talking about MPCL contract. Again, we will find a payment solution which we will honour.

As you know the history of MPCL-PLANET FM very well. I am a fighter who cares a lot about this Radio. Unfortunately, I was a victim of people trying to rob my shares and I and Arvind Audit and M. Sarrop fought many legal battles to protect and defend our Radio from the media and the press who have been attacking us whenever they can.

I like to reassure the board that with the help of our Lawyers and my management team, we have restructured our company finance, we have reduced our staff from 75 to 25 and I have created a manageable figure looked at our other expenses.

We know well that from August we are concentrating in two important elements of our Radio business and our Programmes.

1. Advertising, sponsorships, and events in Mauritius and in Europe. We have a team who have already started. A. The Public sector. B. The Private sector. C. The 10,000 small and medium size enterprises. D. The advertising from Europe. We have a complete plan which I can supply you. We will make minimum Rs 4m from advertising per month from August and our expenditure per month will not go above Rs 1.4 million including all expenses.

We believe strongly that we have a unique opportunity to make a great success of this Radio. We know many things have happened since we launched but I like to remind our distinguished Board members that Mr. Audit and I were kicked out from our office and A. Nilmadhub ran the show although both Myself and Audit were 95.2% owner of MPCL. Nilmadhub created a company called MPCL marketing limited with Osman Badat and Raphael Eggenpieler as directors. They siphoned for nearly five months all our advertising and sponsorship revenues to this new company from our Radio adverts. When we

took over in September 2019, they left a debt of over Rs 7 million rupees and they did not pay any our creditors.

I would very much obliged if you could give us the permission to make this radio one of the best. For months, we were not allowed to implement what I presented to the Board of IBA before the license was issued. I know we were the best amongst the 17 applicants. Please allow me and my new team to implement what we said in front of the Solicitor- General and 17 other high officials from different departments.

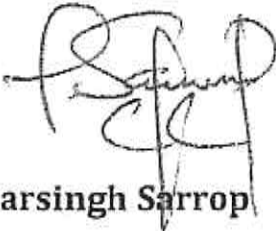
Yours Sincerely



**B.V. CHOOLUN, EXECUTIVE CHAIRMAN MPCL-PLANET FM**



**A.K. AUDIT, MANAGING DIRECTOR, MPCL-PLANET FM**



**Mahendarsingh Sarrop**

**Company Secretary/ Director**



Mayfair and Purely Communications Limited  
57, Royal Road, Belle Etoile,  
Coromandel, Mauritius



Independent Broadcasting Authority	
<b>RECEIVED</b>	
Date :	31/07/2020
Signatures :	

Mr. Ajay Ramphul (Acting Director)  
Independent Broadcasting Authority  
Level 2 The Celi Court  
6, Sir Cellicourt Antelme Street  
Port Louis

Date: 31<sup>ST</sup> OF AUGUST 2020

Dear Mr. Ramphul,

I would be very grateful if you could arrange a meeting with the Chairman of the board and the Chief Executive officer of IBA in order to explain in more details all the questions raised by your office about MPCL-PLANET FM

There are many points which were not covered in our answers because it would have become a 5,000 words documents.

As the largest shareholders of MAYFAIR AND PURELY COMMUNICATIONS LIMITED-PLANET FM, we are asking for AN URGENT HEARING to put our case to the Chairman and the Chief executive as soon as possible.

We believe that a proper account from our side is vital to explain our case to your Authority.

Looking forward hearing from you at your earliest convenience.



**Yours sincerely**



**B.V. CHOOLUN**

**Executive Chairman of MPCL and the Board**

Independent <small>Member of the Board</small> <small>of the Company</small>	
<b>RECEIVED</b>	
Date	: 31/07/2020
Signatures	: 



**A.K. AUDIT**

**Managing Director of MPCL and member of the Board**

**M. SARROP**



**Secretary and Director of the Board**

**CC: Me AJAY DABY, AJAY DABY CHAMBERS**

**CC: Me HEMEND K. FULENA CHAMBERS**

Mayfair and Purely Communications Limited  
57, Royal Road, Belle Etoile,  
Coromandel, Mauritius



**Mr. Ajay Ramphul (Acting Director)**  
**Independent Broadcasting Authority**  
**Level 2 The Celi Court**  
**6, Sir Cellicourt Antelme Street**  
**Port Louis**

**Date: 31<sup>ST</sup> OF AUGUST 2020**

**Dear Mr. Ramphul,**

**I am very pleased to inform you and the Board of Directors of IBA that Maubank has removed the administrator and Planet FM is free to conduct its broadcasting business and a new term loan has been agreed between MPCL-PLANET FM and Maubank and next week we are paying a big sum and the remainder is spread for 3 years and our monthly payment will be less than Rs56,000 per month.**

**It is our duty to inform your board that our management account does not represent the true figures is because on the 22<sup>nd</sup> of May 2019 A Nilmadhub illegally removed the current directors B.V. Choolun, A.K. Audit and Mr. M. Sarrop from the board of Mayfair and Purely Communications Ltd and proceeded to run the company without the largest shareholders authority for a few months.**

**During that time, all income generated by Planet FM was credited to some unknown account (MPCL Marketing Ltd) which had no connection with Mayfair and Purely Communications Ltd and without the permission of the majority shareholders.**

**MPCL Marketing was fully owned by A Nilmadhub and the other directors were Osman Badat of Harel Mallac and Raphael Eggenpieller of Orbis Private Solutions SA.**

**We have no records of the company transactions during that time and our accountant had to prepare the management account with whatever information was available at the time.**

**A huge debt was left in the Company by A Nilmadhub as he did not pay many of the creditors such as Mauritius Telecom MCML and a few others.**

**It would be fair for the IBA to make a note of this discrepancies in the account and to identify the mistakes committed by A Nilmadhub and his illegal team especially because the IBA was a co-respondent in the civil case and are fully aware of the circumstances of the case.**

**Planet FM was in the process of relocating back in March when Covid-19 arrived in the country. We had to stop our relocation plan and that affected the operation of the radio as many staff did not want to work. By the time, the confinement was over we had lost many staff and had to restructure the company.....**

**We are meeting our accountant and asking him to review our account given to you. This task is being conducted now.**

**We have prepared new exciting and innovative programmes schedule and we are implementing them this coming week.**

**Please, Mr. Ramphul, could you give a copy of this letter to the Chairman and your Chief Executive officer of IBA.**

**Best regards**

**B.V. Choolun**

**A.K. Audit**

**M. Sarrop**

**cc. to Me Ajay Daby, A. Daby Chambers**

**cc. to Me H. Fulena, Fulena Chambers**