



\$~61

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 60/2024 & C.M.Nos.3925-3927/2024

TV TODAY NETWORK LIMITED Appellant

Through: Mr.Hrishikesh Baruah with
Mr.Anurag Mishra and Mr.Kumar
Khitij, Advocates.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr.Apoorv Kurup with Ms.Nidhi
Mittal and Mr.Akhil Hasija,
Advocates for UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **22.01.2024**

1. Admittedly, the advertisement clip that has been aired by the appellant qua 100 Pipers Music CDs is not the one that had been cleared by the Central Board of Film Certification (CBFC).
2. The issue that arises for consideration is whether the interpolation has been done by the appellant or by the client. Learned counsel for the appellant states that the mechanism for cross-checking the advertisement clip furnished by the client with the CBFC Certified Advertisement was not available prior to 11th April, 2022.
3. Learned counsel for the respondent-UOI is directed to verify the aforesaid fact and file a short affidavit within two weeks.



4. However, with respect to advertisement of 'All Seasons Club Soda', the admitted position is that the said advertisement had been aired without any CBFC Certificate being available for the same. Consequently, the defence of '*safe harbour*' as available in Rule 7 of The Cable Television Network Rules, 1994 is not available to the appellant. Accordingly, this Court finds no ground to interfere with the impugned order to the extent it deals with 'All Seasons Club Soda'.
5. However, till the next date of hearing, no coercive action shall be taken by the respondents against the appellant qua the advertisement with regard to 100 Pipers Music CDs. List on 20th March, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 22, 2024
KA