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

+ **W.P.(C) 4423/2016**

VIKKI CHOUDHRY AND ANR

..... Petitioner

Through: Mr. Vivek Sarin, Advocate

versus

MINISTRY OF INFORMATION & BROADCASTING AND ORS

..... Respondent

Through: Mr. Dayan Krishnan, Sr. Advocate
with Ms. Shilpa Gupta, Mr. Ranjeet
Singh Sidhu, Ms. Sanjeevi, Advs. for
R-3.

Mr Sudhir Nandrajog, Sr. Advocate
with Adv. Payal Kakra and Adv.
Sameer, Counsels for respondent
nos.4 and 5
Mr. Anil Soni, CGSC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

18.08.2022

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Learned Counsel for the Respondent has stated before this Court that in another Writ Petition i.e. W.P.(C) No. 7982/2013, the Constitutional validity of Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations, 2012 is under challenge and whereas in the present case, there is no such challenge to any such statutory provision. The petitioner in the present petition has prayed for the following reliefs:



“A) Declare and hold that the Respondent No. 3 and 5 are in violation of the terms and conditions of clause 5.2 of the up-linking guidelines (Annexure P-4) and of clause 5.1 of the downlinking guidelines (Annexure P-5) and the undertaking in the form of affidavit as Annexure 1A to the Up-linking and Down-linking Guidelines, under which the said permissions/licenses were granted to the Respondent no. 3 and 5, and also in violation of the provisions of section 8 of the Indian Telegraph Act, 1885

B) Declare and hold that the respondent no. 3, and 5 deliberately violated provisions of the Rule 7(11) of the CTNR ACT, 1995 and GTN Rules, 1994 framed there under

C) Issue writ, order or direction to the Respondent No.1 to initiate the proceedings under the provisions of section 8 of Indian Telegraph Act, 1885 against the offending Broadcasters.

D) Issue writ or direction in the nature of mandamus to the respondent no. 1 to cancel the Downlinking and Up-linking permissions of the respondent no. 3 and 5, as they have repeatedly and continuously violated the terms of license/permissions, and also direct the respondent no. 1, to not permit the respondent No. 2 and 4 to rename the same channels or launch in some other name in India in future.

E) Declare and hold that no Pay TV broadcasters shall show/ the advertisement in their subscription based channels in future.

F) Declare and hold that the advertisement revenue earned through subscription based channels in last three years (FY 2015-16, 2014-15, 2013-14), is unjust enrichment and direct the restitution of the same by depositing the equal amount of money in the Consumer Welfare Fund established by the Central Government under the Excise Act.

G) Issue writ, order or directions to department of the Electronic Media Monitoring Center under Ministry of Information & Broadcasting to monitor all the Pay TV channels broadcast in India and report the violations of the prescribed Advertising Code under the rule 7 (10) and 7(11) of the CTN Rules, 1994 and the CTNR Act, 1995 on monthly/weekly basis,

H) Pass such other and further order(s) as this Hon'ble Court



may deem fit and proper in the facts and circumstances of the present case. ”

The allegations against the private respondents are for violation of the Regulations of 2012 and there is no challenge to the regulation.

In the considered opinion of this Court, the matter has to be heard by the learned Single Judge as per Roster. The office is directed to place the matter before the learned Single Judge for hearing on 20.09.2022.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

AUGUST 18, 2022

N.Khanna