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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2839/2025 & CRL.M.A. 12698/2025 STAY**
SHANTONU ADITYAPetitioner

Through: Mr. Vikas Pahwa, Sr. Adv. with Mr. Kuldeep Mansukhani, Mr. Harjeet Singh and Ms. Nancy Shamim, Advs.

versus

TELECOM REGULATORY AUTHORITY OF INDIA & ANR.Respondent
Through: Mr. Ankur Sood, Ms. Pranjal Suman, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
02.05.2025

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1. This is a petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed by the petitioner seeking quashing of orders dated 01.06.2009, 07.02.2024 and 07.12.2024 passed by the trial court and criminal complaint bearing CC No. 22/1 titled as '**TRAI vs. M/s Set Discovery (P) Ltd.**' and all consequential proceedings arising therefrom.
2. The company 'Set Discovery (P) Ltd.', (now Sony Picture Network India Private Limited) (in short '**company**') is a distributor of the satellite TV channels. M/s Three Star Communication entered into an agreement dated 29.10.2002 with the company for the purpose of receiving and distributing signals.
3. Petitioner was the President of the company at that time.

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4. M/s Three Star Communication made a complaint to TRAI alleging unlawful signal disconnection by the company which is in violation of the TRAI regulations which requires prior notice before disconnection.
5. On 12.01.2005 TRAI directed the company to restore signals and comply with the regulatory requirements. However, the company decided to challenge the directions.
6. This Court dismissed the writ petition filed by the company challenging the validity of the TRAI Regulations whereafter the company filed appeal before the Hon'ble Supreme Court which is stated to be still pending.
7. In the meanwhile, TRAI filed a complaint under Section 29 and 34 of TRAI Act, 1997. The learned trial court took cognizance vide order dated 01.06.2009 and summoned the petitioner and the company.
8. Learned senior counsel appearing for the petitioner submits that petitioner has resigned from the company on 15.06.2005 and had no role in day to day operations of the company. He was merely the President of the company and complaint does not disclose any role played by the petitioner.
9. It is further submitted that petitioner had no decision making authority and as per the show cause notice of TRAI, only the company was made responsible. It is argued that the summoning order fails to point out any specific overt act committed by the petitioner and lacks application of mind regarding his role.
10. Learned counsel appearing for the respondent however submits that the employment agreement dated 01.04.2004 between the petitioner and the company clearly reveals that being the President of the company, petitioner was the supervising officer of the company, and therefore, had an

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active role in day to day conduct of the business of the company, and therefore, he was responsible for the acts done by the company. He further submits that the letter conveying directions of the TRAI for restoration of the signals was addressed to the petitioner only.

11. Issue notice.
12. Notice is accepted by learned counsel appearing for the respondent.
13. Reply, if any, be filed within a period of six weeks. Rejoinder, if any, be filed within two weeks thereafter.
14. Renotify on 07.08.2025.

RAVINDER DUDEJA, J

MAY 2, 2025/ib/ak

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