

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.Nos.157 to 159 of 2015
and
M.P.Nos.1,1 and 1 of 2015

Polimer Media Private Ltd.,
having its reg. Office at 48-A,
Brindavan Main Road,
Salem-636 016
also at:
No.30, 1st Street, Balaji Nagar,
Royapettah, Chennai,
Tamil Nadu-600 014
represented by its Managing Director,
Mr.P.V.Kalyanasundaram

...Appellant in
all three writ appeals

Vs.

1. Union of India,
through the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110 001.
2. The Telecom Regulatory Authority of India (TRAI),
Mahanagar Doorsanchar Bhawan,
(next to Zakir Hussain College),
Jawaharlal Nehru Marg,
(Old Minto Road),
New Delhi-110 002.

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3. TAM Media Research Pvt. Ltd.,
having reg. Office at 9th Floor,
Hincon House (Towe B),
247 Park, L.B.S. Marg,
Vikroli West, Mumbai-400 083.
4. Indian Broadcasting Foundation,
B-304, Ansal Plaza, Third Floor,
Khelgaon Marg,
New Delhi-110 049.

...Respondents in
all three writ appeals

These Writ Appeals are preferred under Clause 15 of the Letters Patent against the order dated 29.1.2015 passed in M.P.Nos.1 and 3 of 2014 in W.P.No.34836 of 2014 and M.P.No.3 of 2014 in W.P.No.34837 of 2014.

W.P.No.34836 of 2014 Prayer :

i) Writ petition praying to writ of Mandamus directing the respondent No.2 to provide viewership data, TV AdEx data, Media Xpress Gold, MAP 3.5 and monitoring service until Broadcast Audience Research Council of India

W.P.No.34837 of 2014 Prayer :

ii) Writ petition praying to Writ of Mandamus directing the Respondent Nos.1 & 2 to issue directions that the power to carry on the business of public broadcasting pursuant to grant of license only vests with the Respondent Nos.1 & 2 and that Respondent No.3 cannot seek to de-recognize the Petitioner and virtually render the licenses granted by the Respondent Nos.1 & 2 otiose

iii) To grant an interim order of status quo as regards to continuance of the services being provided to the Petitioner including information regarding viewership data, TV AdEx data, Media Xpress Gold, MAP 3.5 and monitoring service (in M.P.No.1 of 2014 in W.P.No.34836 of 2014) and

iv) Vacate the interim order of status quo dated 23.12.2014 passed in M.P.No.1 of 2014 in W.P.No.34836 of 2014 (in M.P.No. 3 of 2015 in W.P.No. 34386 of 2014) and

v) vacate the interim order of status quo dated 23.12.2014 passed in M.P.No.1 of 2014 in W.P.No. 34837 of 2014 (in M.P.No.3 of 2015 in W.P.No. 34837 of 2014 respectively pending W.P.Nos. 34836 & 34837 of 2014)

For Appellant : Mr.Mohan Parasaran, SC
for Mr.Satish Parasaran

For Respondents : Mr.S.Haja Mohideen Gisthi, SCGSC
for RR1 and 2
Mr.Vijay Narayan, SC
for M/s.BFS Legal Akhil
R.Bhansali for R-3

COMMON JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

These instant intra-court appeals arise from the order dated 29.01.2015 passed in M.P.Nos.1 of 2014 and 3 of 2015 in W.P.No.34836 of 2014 and M.P.No.3 of 2015 in W.P.No.34837 of 2014.

2. The writ petitioner / appellant, claiming to be engaged in the business of running Satellite Television Channel ever since 2009, came up with the writ petitions, seeking a direction to the respondent No.2 to provide viewership data, TV AdEx data, Media Xpress Gold, MAP 3.5 and monitoring service until Broadcast Audience Research Council of India and further direction that the power to carry on the business of public broadcasting vest with respondents 1 and 2 and as such, the third respondent cannot seek to de-recognise the petitioner.

3. The petitioner preferred applications for interim relief to continue the services being provided to the petitioner including information regarding viewership data, TV AdEX data, Media Xpress Gold, MAP 3.5 and monitoring service, pending disposal of the writ petitions.

4. The learned Single Judge while issuing notice, granted status quo on 23.12.2014. Thereafter, after hearing all parties concerned, the learned Writ Court vacated the said interim order by the impugned order dated 29.1.2015, observing that the arrangement between the petitioner and the third respondent was pursuant to the licence agreement and the said agreement granted in favour of the

petitioner has come to an end on 31.12.2014. Thus, interim relief granted earlier was vacated being beyond the licence period.

5. There is no dispute with regard to the expiry of the agreement. It is also not the case of the petitioner that the petitioner is continuing the business on the basis of any other licence or agreement granted by the first and second respondent. In that view of the matter, we are not inclined to interfere with the impugned order, as the impugned order is just and proper and in the facts of the case, warranting no interference. However, having regard to the submissions made by the learned counsel for the parties, we request the learned Single Judge to expedite the hearing of the writ petitions for disposal as early as possible, preferably within a period of two weeks from the date of issuance of copy of this order. The parties are at liberty to raise all issues available under the provisions of law in the main writ petitions.

6. Accordingly, these three writ appeals are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Secretary,
Union of India,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110 001.
2. The Telecom Regulatory Authority of India (TRAI),
Mahanagar Doorsanchar Bhawan,
(next to Zakir Hussain College),
Jawaharlal Nehru Marg,
(Old Minto Road),
New Delhi-110 002.

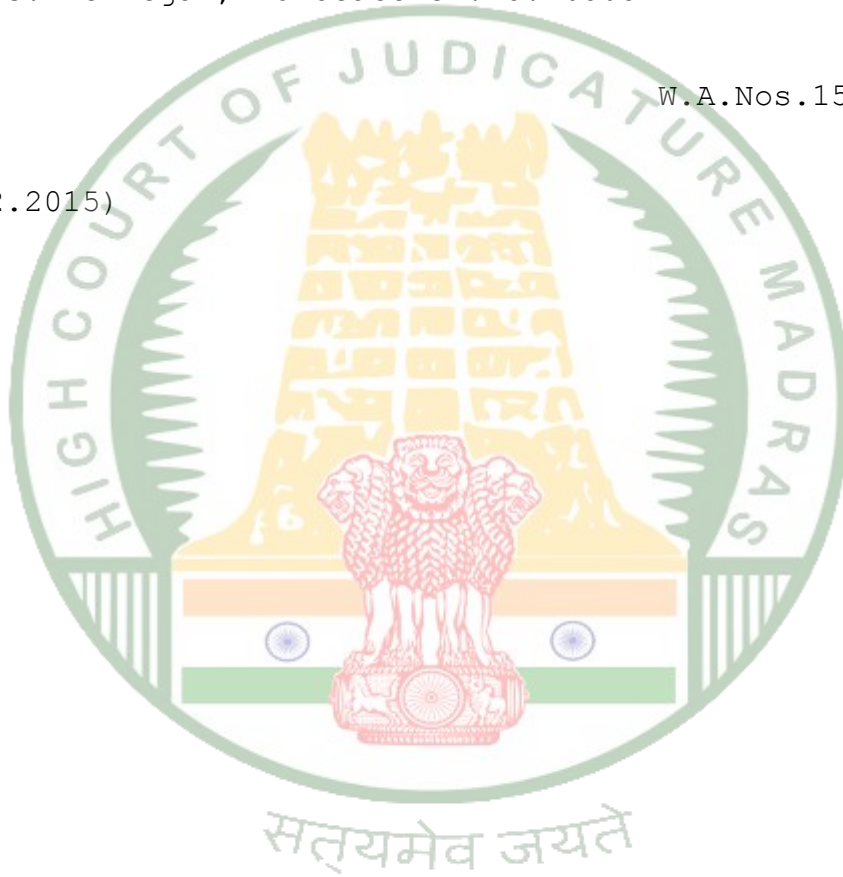
3. Indian Broadcasting Foundation,
B 304 Ansal Plaza, Third Floor,
Khelgaon Marg,
New Delhi-110 049.

1 CC to Mr.Satish Parasaran, Advocate SR.No. 7083

1 CC to M/s.BFS Legal, Advocate SR.No. 6503

W.A.Nos.157 to 159 of 2015

MG (CO)
PSI (23.02.2015)



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