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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2087/2016 & CM APPL. 8947/2016

OASIS FILMS

Through

..... Petitioner

Mr. Sumit Chander with Ms. Kanika
Bhardwaj, Advs.

versus

DOORDARSHAN AND ORS Respondents

Through

Mr. Rajeev Sharma, Adv. for R-1.
Mr. Rakesh Kumar, CGSC with
Mr. Anirudh Kumar Shukla, Adv.
for R-4.

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Date of Decision: 14th March, 2016**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****J U D G M E N T****MANMOHAN, J: (Oral)**

1. Present writ petition has been filed challenging the letters dated 9th June, 2014 and 24th March, 2015. Vide letter dated 9th June, 2014 the Preview Committee rejected petitioner's proposal titled "Code Eleven" as 3D animation series, but advised the petitioner to produce this programme as a "live-action fiction" series. Petitioner was asked to submit its consent letter immediately for further action. Thereafter respondent no. 1 after giving a notice on 27th February, 2015 to petitioner to submit its consent within 10 days, withdrew commissioning proposal on 24th March, 2015 on the ground

that no consent letter has been furnished and it was presumed that petitioner was not interested in the project.

2. Learned counsel for petitioner submits that the impugned letters are illegal as they have been issued without approval of DG, Doordarshan. He further states that the proposal was rejected by the respondent no. 2 in an arbitrary and malafide manner and the Committee appointed on 11th March, 2014 was not a Committee contemplated by the Prasar Bharti Guideline No. 17.

3. A perusal of the file reveals that though the petitioner's initial proposal was under the category of 3D animation, yet the same was approved under live-action fiction series. On the petitioner's representation that the proposal should be considered as mooted under 3D animation category, the file was put up to the DG, Doordarshan who recommended that the matter be further discussed.

4. It seems from the file noting that DG, Doordarshan asked why 3D is needed on Urdu channel and Deputy DG may see the presentation both on 3D and 2D and suggest whether this project was worth for DD Urdu. Deputy DG, Urdu recommended that the ADV (AJ) examine the proposal. It was decided that a Committee with outside expert under the Chairmanship of ADV (AJ) be constituted to finalize whether 2D/3D fiction series should be telecast.

5. The Committee so constituted comprising two outside experts, an Engineer from DDK and the Programme Executive, DD Urdu held as under:-

“1. We do not feel this concept will work as a 3D animation series.

2. The concept is alien, borrowed from Hollywood. It will not add any value to DD Urdu.

3. It will be far more effective as a live-action fiction series in the Sci-fi genre.”

6. In the opinion of this Court since an expert committee comprising two outside experts has held that it would be far more effective to produce the programme as live-action fiction series, it would neither be practical nor legal to take a different view that too after two years of passing the impugned order.

7. Petitioner’s further submission that the Committee so constituted is contrary to the Guideline no. 17 is not correct because said Guideline refers to an Evaluation Committee and not a Preview Committee – which was constituted in the present instance to reconsider petitioner’s case.

8. Further, the allegation of mala fide against respondent no. 2 is misplaced inasmuch as the petitioner’s programme was approved by respondent no. 2, though not as a 3D animation series but as a live-action fiction series.

9. This Court is also of the view that the present petition is barred by laches as it has been filed nearly two years after the impugned decision was taken by respondent. It is a common knowledge that serials and concepts have limited ‘shelf-lives’.

10. Consequently, present writ petition and application are dismissed.

MANMOHAN, J

MARCH 14, 2016

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