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

+ W.P.(C) 6871/2016

SHIMLA SATELLITE CABLE PRIVATE LIMITED & ANR

..... Petitioner

Through Mr. Navin Chawla and Mr. G S
Oberoi, Advs.

versus

THE UNION OF INDIA

..... Respondent

Through Mr. Ajay Digpaul, CGSC with
Mohita, Adv. for UOI
Mr. Kirtiman Singh, Adv. for TRAI

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **18.10.2016**

The Supreme Court by order dated 1st April, 2016 in Transfer Petition (C) No. 430 - 444 of 2016 had observed that having regard to similar legal questions involved in all the writ petitions that are raised before different High Courts and with a view to avoid conflicting decisions by different High Courts, it would be just and proper to withdraw all those cases pending in different High Courts and transfer the same to Delhi High Court.

The Supreme Court in the said order further held that if any

case on the same legal question is filed before the High Court such case shall also be transferred to the Delhi High Court. The Registrar Generals of the respective High Courts were directed to transmit the records of the cases pending before the said High Courts to the Delhi High Court.

It is contended by counsel for the Union of India that the transfer petition had been filed since there was challenge in various High Courts to the systematic and phased implementation of DAS across the country.

Learned counsel for the petitioner submits that the present petition does not pertain to DAS-III or its implementation.

Learned counsel for the petitioner submits that the petitioner is not challenging the implementation of DAS and has in fact implemented DAS but is aggrieved by two conditions imposed in the license. He submits that the said petition is also not covered by the order of the Supreme Court in Transfer Petition (Civil) No.430-444/2016 and was also not part of the petitions in respect of which transfer petition had been filed.

Learned counsel appearing for Union of India on instructions from Mr. Yogender Pal, Consultant, who is present in Court also confirms that the present petition does not deal with the implementation of D-III but, pertains to some conditions of the licence.

In view of the above, since the present petition is not covered by the order of the Supreme Court dated 1st April, 2016 in Transfer Petition (Civil) No. 430-444/2016, the Registry is directed to transmit

the record back to the High Court of Himachal Pradesh at Simla.

CM No.38178/2016

Since the petition does not pertain to implementation of DAS,
the applicant does not wish to press the present application.

Dismissed as withdrawn.

SANJEEV SACHDEVA, J

OCTOBER 18, 2016

VLD