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

% Judgment delivered on: 03.11.2016

+ **W.P.(C) 6880/2016**

SUNIL KUMAR SINGH

..... Petitioner

versus

UNION OF INDIA & ORS.

.... Respondents

Advocates who appeared in this case:

For the Petitioner : None.

For the Respondents : Mr Vikas Mahajan and Mr Amit Mehta,
Advocates for Union of India.
Mr Abhishek Malhotra and Mr Rijul Taneja, Advocates
for the applicant.
Mr Yashvardhan, Mr Himanshu Kulshreshtha and Mr
Devender Singh, Advocates for Intervener.
Mr Kirtiman Singh, Mr Waize Ali Noor and Mr Pranav
Agrawal, Advocates for TRAI.
Mr Saurabh Srivastava and Mr Ranjeet Singh Sidhu for
Intervener/Star India Pvt. Ltd..

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

03.11.2016

SANJEEV SACHDEVA, J. (ORAL)

W.P.(C) 6880/2016

1. Notice was directed to be issued to the petitioner since this matter has been received on transfer from Supreme Court. Affidavit of service has been filed which shows that the petitioner has refused to accept the

notice. Refusal of notice is deemed to be service of notice.

2. The petitioner, by the present petition, has sought a direction to the respondent to consider the representation of the petitioner dated 01.01.2016 for permitting to continue to supply analogue system of cable till the DAS (*sic*) licence is issued to the petitioner.

3. Learned counsel appearing for the respondent submits that the representation of the petitioner has been disposed of and the petitioner has been granted DAS licence on 15.02.2016.

4. Since the petitioner has already granted the Dash licence, there is no reason for the petitioner not to switch over the digital system. The petition was filed on 04.01.2016 and approximately ten months have passed.

5. The Ministry of Information & Broadcasting by Notification dated 11.11.2011 had, in public interest, notified that it shall be obligatory for every cable operator to transmit or re-transmit programmes of any channel in an encrypted form through a Digital Addressable System (DAS) in such cities, towns or areas, as specified in table contained therein.

6. Effective dates ranged between 30.06.2012 to 31.12.2014. The said period of implementation was subsequently extended from time to time and the last extension for the implementation of DAS Phase-III was granted upto 31.12.2015. The petitioner admittedly is part of the Phase-III implementation of the digital system.

7. Learned counsel appearing for the respondent submits that sufficient set top boxes are readily available in the open market and even through the cable operators and vendors. He further contends that originally digital set top boxes were being imported but now they are being indigenously manufactured by several manufacturers in the country and are available in abundance. He submits that there is no shortage of digital set top boxes.

8. Perusal of the petition shows that the petitioner is only seeking for grant of time till issuance of DAS licence. Said Licence has already been granted.

9. The notification was issued by the Government on 11.11.2011. Nearly five years have elapsed from the said date when the cable operators were made aware that they have to changeover to DAS. The petition was filed in January, 2016 and now we are in November. The petitioners have already got sufficient time to complete the installation of set top boxes and the changeover to DAS. Even post the filing of the present petition, approximately ten months have passed. There is no further justification in granting the petitioner any more time for completion of installation of digital set top boxes and changeover to DAS.

10. The Writ Petition is accordingly dismissed. No orders as to Costs.

11. The petitioner shall ensure that all analogue connections are converted to digital by installation of digital set top boxes within a period of three weeks from today. The petitioner shall duly inform the

subscribers that on expiry of the period of three weeks, all analogue signals would be discontinued and the subscribers will be required to switch over from the analogue mode of transmission to digital mode of transmission on or before the cut-off date. To facilitate the change-over, the petitioner shall also display a scroll, in all analogue channels being transmitted by them, informing the subscribers that they have to change over to digital system within the stipulated timeframe.

CM Nos.31930/2016 (impleadment), 32737/2016 (impleadment) and 38293/2016(impleadment)

Learned counsel for the applicant submits that in view of the disposal of the petition, these applications have become infructuous. The applications are accordingly dismissed as infructuous.

Dasti under signatures of Court Master.

NOVEMBER 03, 2016
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SANJEEV SACHDEVA, J