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

+ **W.P.(C) 7193/2016**

BHARAT DIGITAL CABLE NETWORK Petitioner

Through : None.

versus

THE UNION OF INDIA & ORS Respondents

Through : Mr Kirtiman Singh and Mr Waize Ali
Noor, Advocates for TRAI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **03.11.2016**

Perusal of the petition shows that the petitioner is not impugning the implementation of Digital Addressable System, Phase-III.

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.

Perusal of the petition shows that the petitioner has contended that the petitioner has already completed the process of and is impugning the grant of permission to Respondent MSO. The petition does not pertain to DAS-III or its implementation.

Learned counsel appearing for Union of India also confirms that the present petition does not pertain to implementation of D-III.

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 Judicature at Hyderabad for the States of Telangana and Andhra Pradesh.

Since the respondents have filed the counter-affidavit in this Court, the Registry is directed to transmit the counter-affidavit along with all documents filed in this Court to the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh.

SANJEEV SACHDEVA, J

NOVEMBER 03, 2016

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