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

% Judgment delivered on: 09.11.2016

+ W.P.(C) 9034/2016

M/S KOLLAM CABLES PRIVATE LIMITED & ANR

..... Petitioners

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : None.

For the Respondents : Mr. Kirtiman Singh with Mr. Waize Ali Noor,
Advocates for TRAI.
Mr. Nishe Rajen Shonker with Mr. Gajendra K.,
Advocates for the State of Kerela.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.11.2016

SANJEEV SACHDEVA, J. (ORAL)

W.P.(C) 9034/2016

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 indicating that the notice has been duly served on the petitioner.

2. The petition has been filed seeking grant of time for installing the set-top boxes and till the completion of installation of set top boxes, the respondent be restrained from stopping the supply of analogue signal.

3. 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.

4. 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.

5. The contention of the petitioner is that sufficient set top boxes are not available in the area of the petitioner to changeover to digital system.

6. 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.

7. Perusal of the petition shows that the petitioner is only seeking for grant of some more time for installation of digital set top boxes and for change over to DAS.

8. 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.

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

10. The petitioner shall ensure that all analogue connections are converted to digital by installation of digital set top boxes by 24th November, 2016. The petitioner shall duly inform the subscribers that on expiry of the said period, 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.

Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 09, 2016/st