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

+ W.P.(C) 10987/2016

HATHWAY CABLE AND DATACOM LTD. & ANR Petitioners

Through Mr. Navin Chawla, Advocate.

versus

THE STATE OF MAHARASHTRA & ORS Respondents

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

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **22.11.2016**

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 petitioners submits that the present petition

does not pertain to DAS-III or its implementation.

Learned counsel for the petitioners submits that the petitioners are not challenging the implementation of DAS and this 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 for the petitioners further submits that the petitioners had approached the Supreme Court seeking clarification and the Supreme Court had clarified that only those cases which pertained to Notification dated 11.11.2011 and 11.09.2014 under the Cable Television Networks (Regulation) Act, 1995, as amended by the Cable Television Networks (Regulation) Amendment Ordinance, 2011 were directed to be transferred.

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 Bombay.

SANJEEV SACHDEVA, J

NOVEMBER 22, 2016
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