

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Second day of February Two Thousand

Seventeen

PRESENT

THE HON`BLE MR JUSTICE S. NAGAMUTHU

AND

THE HON`BLE MR JUSTICE N. AUTHINATHAN

WMP No.2779 of 2017

IN WP.44126/2016

AND WMP Nos.1417 & 2780 of 2017

IN WP NO.44127/2016

M/S.VIDEOCON D2H LIMITED, [PETITIONER IN WMP No.2779/2017
RMZ MILLENIA BUSINESS PARK, IN WP.44126/2016]
CAMPUS II, SECOND FLOOR, NO.143,
DR.MGR ROAD, CHENNAI-600 096.

ALL INDIA DIGITAL CABLE FEDERATION [PETITIONER IN WMP No.1417/2017
A COMPANY REGISTERED UNDER THE INDIAN IN WP.44127/2016]
COMPANIES ACT, 2013 AND HAVING ITS
REGISTERED OFFICE AT: 236, OKHLA
INDUSTRIAL ESTATE, PHASE-3,
NEW DELHI-110 020 DELHI, INDIA

M/S. VIDEOCON D2H LIMITED [PETITIONER IN WMP No.2780/2017
RMZ MILLENIA BUSINESS PARK, IN WP.44127/2016]
CAMPUS II, SECOND FLOOR, NO.143,
DR.M.G.R.ROAD, CHENNAI-600 096.

Vs

1 M/S.STAR INDIA PVT. LTD., [1 TO 5 RESPONDENT IN WMP No.2779/17]
REP. BY ITS VICE PRESIDENT (LEGAL) IN WP.44126/2016]
HAVING ITS PLACE OF BUSINESS AT
15, JAGANATHAN ROAD, NEAR GANPAT HOTEL,
NUNGAMBAKKAM, CHENNAI-34

2 DEPARTMENT OF INDUSTRIAL
POLICY & PROMOTION, MINISTRY OF
COMMERCE AND INDUSTRY, UDYOG BHAWAN,
NEW DELHI 110 011

3 DEPARTMENT OF TELECOMMUNI-
CATIONS, REP. BY ITS SECRETARY,
MINISTRY OF COMMUNICATIONS, SSANCHAR
BHAWAN, ASHOKA ROAD, NEW DELHI 110 001

4 MINISTRY OF INFORMATION &
BROADCASTING, REP. BY ITS SECRETARY,
ROOM NO.655, A WING SASTRI BHAWAN,
NEW DELHI 110 001

5 TELECOM REGULATORY
AUTHORITY OF INDIA, MAHANAGAR
DOORSANCHAR BHAWAN, JAWAHAR LAL
NEHRU MARG, (OLD MINTO ROAD),
NEW DELHI 110 002

1 VIJAY TELEVISION PRIVATE [1 TO 5 RESPONDENTS IN WMP No.1417 &
LIMITED HAVING ITS PLACE OF 2780/2017 IN WP.44127/2016]
BUSINESS AT 15, JAGANATHAN ROAD,
NEAR GANPAT HOTEL, NUNGAMBAKKAM,
CHENNAI, TAMIL NADU-600 034.

2 DEPARTMENT OF INDUSTRIAL
POLICY & PROMOTION, MINISTRY OF
COMMERCE AND INDUSTRY, UDYOG BHAWAN,
NEW DELHI 110 011

3 DEPARTMENT OF TELECOMMUNI-
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BHAWAN, ASHOKA ROAD, NEW DELHI 110 001

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DOORSANCHAR BHAWAN, JAWAHAR LAL
NEHRU MARG, (OLD MINTO ROAD),
NEW DELHI 110 002

Petitions praying that in these circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to

i) Implead the Petitioner as the Respondent in WP No.44126 of
2016 in (WMP No.2779/2017 IN WP.44126/2016) and;

ii) Implead the Petitioner herein, namely, M/s.All India
Digital Cable Federation, No.236, Okhla Industrial Estate, Phase-
3, New Delhi-110 020 as a Respondent in the above Writ Petition in
WP No.44127 / 2016 in (WMP No.1417/2017 IN WP.44127/2016) and;

iii) Implead the Petitioner as the Respondent in WP No.44127 of 2016 in (WMP No.2780/2017 IN WP.44126/2016) respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.VIJAY NARAYANAN S.C for M/S.JOSEPH GEORGE MAYILADUMPAR, Advocate for the petitioner in WMP No.2779/2017 IN WP.44126/2016 & WMP No.2780/2017 IN WP.44127/2016 and of MR.AR.L. SUNDARESAN, S.C for M/S.R.SENTHIL KUMAR & ARJUN SURESH Advocate for the petitioner in WMP No.1417/2017 IN WP.44127/2016 and of M/S.T.R.RAJAGOPALAN S.C for M/S.R.PARTHASARATHY Advocate for 1st Respondent and of M/S.G.RAJAGOPAL ASGI for M/S.VENKADASAMY BABU, Advocate for R2 to R4 and of M/S.R.SOWNDARAJAN, SPC (TRAI) for 5th of the Respondent in WMP No.2779/2017 IN WP.44126/2016 and of MR.P.S.RAMAN S.C & MR.P.CHIDAMBARAM, S.C for MR.R.PARTHASARATHY Advocate for 1st respondent and of MR.G.RAJAGOPAL ASGI for MR.VENKADASAMY BABU, Advocate for the 2 to 4 respondents and of MR.P.WILSON S.C. FOR M/S.P.WILSON ASSOCIATES (TRAI) for the 5th respondent in WMP.2780/2017 in WP.44127/16 and of MR.P.S.RAMAN S.C & MR.P.CHIDAMBARAM, S.C for MR.R.PARTHASARATHY Advocate for 1st respondent and of MR.G.RAJAGOPAL ASGI for MR.VENKADASAMY BABU, Advocate for the 2 to 4 respondents and of MR.R.SOWNDARAJAN, SPC (TRAI) for the 5th respondent in WMP.1417/17 in WP.44127/16, the court made the following order:-

(Order of the Court made by **S. NAGAMUTHU, J.,**)

These three Miscellaneous Petitions have been filed by the respective petitioners seeking to implead themselves as party respondent in the Writ Petitions Nos.44126 and 44127 of 2016.

2. In all these petitions, it is a common ground of the petitioners that they are necessary parties to the writ petitions because any verdict in the main writ petitions may have an impact over the interest of the petitioners.

3. The learned Senior Counsels, appearing for the writ petitioners opposed these petitions initially stating that the petitioners are neither necessary parties nor proper parties to the writ petitions. Therefore, according to the learned Senior Counsels, appearing for the writ petitions, these three impleading petitions are liable to be dismissed.

4. In this regard, Mr.P. Chidambaram, the learned Senior Counsel and P.S. Raman, learned Senior Counsel appearing for the Writ Petitioner in WP No.44127 of 2016 relied a decision of the Division Bench of this Court in **The Film Federation of India rep by its President D. Ramanujam vs The Union of India and others (1985 WLR 306)**.

5. We heard Mr.AR.L. Sundaresan, Mr.Vijay Narayanan, Senior Counsels for the petitioners in the Impleading Petitions and Mr.P.S. Raman, learned Senior Counsel for R.1; Mr.G.Rajagopal, learned Additional Solicitor General of India for R.2 to R.4 and Mr.R. Soundarajan, Senior Panel Counsel for R.5 in WMP No.1417 of 2017, Mr.T.R. Rajagopalan, learned Senior Counsel for R.1; Mr.G.Rajagopal, learned Additional Solicitor General of India for R.2 to R.4 and Mr.R. Soundarajan, Senior Panel Counsel for R.5 in WMP No.2779 of 2017 and Mr.P.S. Raman, learned Senior Counsel for R.1; Mr.G.Rajagopal, learned Additional Solicitor General of India for R.2 to R.4 and Mr.P. Wilson, learned Senior Counsel for R.5 in WMP No.2780 of 2017.

6. Having argued the matter, the learned Senior Counsels, appearing for the Writ Petitioners, submitted that they would be satisfied if the impleading petitioners are heard as intervenors and they are allowed to submit relevant materials for consideration of the Court in the main Writ petitions. They have also made an endorsement to that effect. The learned Senior Counsels also made it very clear that in the event, audience is given to the impleading petitioners when the main writ petitions are heard. They have also submitted that they may be permitted to file written submissions. The same is recorded.

7. Mr.T.R. Rajagopalan, learned Senior Counsel and Mr.P.S. Raman, learned Senior Counsel, appearing for the writ petitioners submitted that they have no objection for allowing the impleading petitioners to be heard as intervenors to make their written submissions and also to produce the relevant materials. Mr.P. Wilson, learned Senior Counsel appearing for Telecom Regulatory Authority of India (TRAI) also submitted that he has no objection for the above course.

8. In view of the above, these Miscellaneous Petitions are disposed of in the following terms:

(i) The request of the petitioners to implead them as party/respondent is rejected and instead they are allowed to be intervenors in both the writ petitions;

(ii) The intervenors shall be allowed to make their submissions both oral as well as written submissions.

(iii) The intervenors shall also be permitted to produce the relevant materials by way of typed set of papers.

(iv) It is made clear that since the impleading petitioners, who are now permitted only as intervenors, are not allowed to be party respondent. Therefore, they have no right to file any pleading.

List the matter on 07.03.2017 immediately after admission in the morning session.

-sd/-
22/02/2017
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DEPARTMENT OF INDUSTRIAL
POLICY & PROMOTION, MINISTRY OF COMMERCE AND
INDUSTRY, UDYOG BHAWAN, NEW DELHI 110 011

3 THE DEPARTMENT OF TELECOMMUNI-
CATIONS, REP. BY ITS SECRETARY, MINISTRY OF
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AUTHORITY OF INDIA, MAHANAGAR DOORSANCHAR
BHAWAN, JAWAHAR LAL NEHRU MARG, (OLD MINTO
ROAD), NEW DELHI 110 002

C.C. to M/S.JOSEPH GEORGE MAYILADUMPAR Advocate on payment of
necessary charges

+2 C.C. to M/S.KING & PARTRIDGE Advocate S.R.2341

C.C. to M/S.R.SOUNDARARAJAN Advocate S.R.2403

C.C. to M/S.R.SENTHILKUMAR Advocate S.R.2288

Order

in
WMP No.2779 of 2017

IN WP.44126/2016

AND WMP Nos.1417 & 2780 of 2017

IN WP NO.44127/2016

Date :22/02/2017

From 26.2.2001 the Registry is issuing certified
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ADD 02.03.2017