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

+ **W.P.(C) 2238/2014 and CM Nos.4667/2014 & 3006/2015**

M/S SIS LIVE

..... Petitioner

Through: Mr Rakesh Tiku, Senior Advocate
with Mr Naveen Goel, Mr Rishi
Bhatnagar and Mr Gaurav Kohli,
Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr Dev P. Bhardwaj, CGSC with Mr
Satya Prakash Singh, Advocate for
UOI.

Mr Satyakam, ASC for GNCTD with
Mr Akshay Agarwal, Advocate for R-
6.

Mr Rajeev Sharma and Ms
Radhalakshmi R. Advocates for R-7.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.09.2017**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- "a) Quash/set aside the 1st High Level Committee Report on Host Broadcasting dated 29th January, 2011 (Shunglu Committee Report) to the extent it adversely comments upon the conduct of the Petitioner and adversely affects the Petitioner's right, reputation or commercial interests; and
- b) Pass a writ of prohibition thereby restraining the Respondent no 1 , 2 to 7 and all departments, officers acting under them from in any manner relying upon the impugned report in any statutory, criminal, civil, judicial or quasi judicial proceedings; and

c) Impose costs on the Respondents;"

2. The petitioner had signed a contract with Prasar Bharati, respondent no.7, for broadcast and coverage of Common Wealth Games Delhi, 2010. There were some issues with regard to the manner in which contracts in relation to the said games were awarded and a Committee, known as Shunglu Committee was appointed, on instructions of the Prime Minister, to look into several issues. The Committee has since submitted its report, and it is the petitioner's grievance that certain adverse observations have been made against the petitioner.

3. Mr Tiku, learned Senior Counsel appearing for the petitioner submits that although the said report may not be a binding on the authorities, however, the adverse observations made therein are being used very liberally in several proceedings.

4. The learned counsel appearing for respondent no.1 states that Shunglu Committee was only an in house committee to submit a report, so that lessons can be learnt for the future. He further submits that the said committee is neither a judicial committee nor a commission of enquiry and, therefore, its findings are not amenable to judicial review under Article 226 of the Constitution of India.

5. He has also handed over a copy of the letter dated 27.08.2015, wherein it has been clarified that the *recommendations of committee as constituted by the Government in its executive powers are recommendatory in nature and its findings as such do not appear to having evidentiary value*

in strict sense, so far as proceedings for criminal action is concerned before any Court of law. However, it has also stated that the report has a persuasive value and a guiding factor for the government providing insight into the issues in question.

6. It is apparent from the above that the Shunglu Committee report is only an internal document and, the said report is not binding on either parties either before any court, tribunal or any authority discharging adjudicatory functions. The facts as stated in the report would have to be established independently in any judicial proceedings.

7. In view of the aforesaid observations, Mr Tiku does not seek to press the prayers made in the petition.

8. The same is, accordingly, disposed of.

9. Order *dasti* under signature of Court Master.

SEPTEMBER 05, 2017
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VIBHU BAKHRU, J