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

+ LPA 461/2016

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Pronounced on: 22nd March, 2017

OASIS FILMS

.....Appellant

Through: Mr.Sumeet Pushkarna, Adv. with
Mr.Sumit Chander, Adv.

Versus

DOORDARSHAN & ORS

....Respondents

Through: Mr.Rajeev Sharma, Adv. for R-1&3.
Mr.Rakesh Kumar, CGSC for R-4/UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

J U D G M E N T

1. The unsuccessful petitioner in W.P.(C) No.2087/2016 is the appellant before us.
2. The appellant/writ petitioner, which claims to be a firm engaged in business of making and producing Films, Documentaries, Short Films etc., filed the said writ petition on 23.02.2016 challenging the order of the respondent No.1/Doordarshan dated 09.06.2014 whereby the petitioner's proposal titled 'Code Eleven' as 3D animation series on Doordarshan Urdu Channel was rejected. By the order under appeal dated 14.03.2016, the learned Single Judge dismissed the writ petition holding as under:-

“6. In the opinion of this Court since an expert committee comprising two outside experts has held that it would be far more effective to produce the programme as live-action fiction series, it would neither be practical nor legal to take a different view that too after two years of

passing the impugned order.

7. Petitioner's further submission that the Committee so constituted is contrary to the Guideline no. 17 is not correct because said Guideline refers to an Evaluation Committee and not a Preview Committee – which was constituted in the present instance to reconsider petitioner's case.

8. Further, the allegation of mala fide against respondent no. 2 is misplaced inasmuch as the petitioner's programme was approved by respondent no. 2, though not as a 3D animation series but as a live-action fiction series.

9. This Court is also of the view that the present petition is barred by laches as it has been filed nearly two years after the impugned decision was taken by respondent. It is a common knowledge that serials and concepts have limited 'shelf-lives'.

10. Consequently, present writ petition and application are dismissed."

3. Though the appellant/writ petitioner filed Review Petition No.236/2016, the same was also dismissed by order dated 16.05.2016.

4. Assailing the said orders, it is contended by Sh.Sumeet Pushkarna, the learned counsel for the appellant that it was only the Evaluation Committee which was entitled to consider the proposal of the appellant and not the Preview Committee and the learned Single Judge has misconstrued the Preview Committee as the Evaluation Committee. Further, the constitution of the Preview Committee itself is illegal as it can only be constituted by the Director General whereas, the Assistant Director, Programme has no authority to constitute the same.

5. We have also heard the learned counsel for the respondents.

6. As is evident from the record, the Expert Committee which comprised of two outside experts, opined that the concept proposed by the appellant/writ petitioner will not add any value to Doordarshan Urdu and accordingly, it was suggested that the programme may be produced as a live action fiction series. The law is well settled that such expert opinion cannot be interfered by this Court in exercise of writ jurisdiction under Article 226 of the Constitution of India. Though the petitioner made an attempt to attribute malafides, the learned Single Judge found the same to be baseless since the appellant was advised to produce the same programme as a live action fiction series. We fully concur with the view expressed by the learned Single Judge. Having failed to respond to the suggestion/advice made by the respondent No.2, the appellant filed the writ petition before this Court after about two years in February, 2016 with a prayer to quash the Doordarshan's letter dated 09.06.2014 and to direct them to commission the serial 'Code Eleven' in 3D animation. Therefore, as rightly held by the learned Single Judge the petition is also barred by laches.

7. The appeal is devoid of merit and the same is accordingly dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

MARCH 22, 2017

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