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

+ **W.P.(C) 6831/2016**

STV ENTERPRISES LTD

..... Petitioner

Through: Mr Sandeep Aggarwal, Senior
Advocate with Mr Rajesh Pathak,
Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Ravi Prakash, CGSC with Mr
Nitish Gupta, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.11.2017

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 21.07.2016 issued by respondent no.1 as well as the show cause notice dated 11.12.2015. By the impugned order dated 21.07.2016, respondent no.1 has cancelled the permission granted to the petitioner to up-linking and down-linking its TV Channels with immediate effect. The petitioner was granted permission for up-linking and down-linking its channels on 05.12.2001 and 07.06.2007 under a category of "News" and "Current Affairs TV Channels". The permission granted was valid for a period of 10 years, which was to expire on 07.06.2017. The petitioner was issued a show cause notice dated 11.12.2015 as the respondent no.1 had denied the security clearance to the petitioner company.

2. It is the petitioner's case that the denial of the security clearance is without any justifiable reasons and therefore invalid. The petitioner also relies on the decision of the Division Bench of this Court in ***Digital Radio***

(Mumbai) Broadcasting Ltd. and Anr. v. UOI: 222(2015) DLT 243 in support of his contention. It is further pointed out that the reason why security clearance has been denied to the petitioner has not been disclosed to the petitioner.

3. Without going into the merits of the disputes, it is apparent that even if the petitioner was to succeed in its challenge to the impugned order dated 21.07.2016, no effective relief could be granted to the petitioner. This is so because in any event the license would stand expired on 07.06.2017, and it is pointed out that the security clearance (the denial of which is sought to be impugned in the present petition) was *co terminus* with the licence. The licence having expired, the petitioner would have to apply for renewal or apply afresh for the licence in terms of the policy in vogue. In either event the respondents would have to consider the same in accordance with law.

4. In the aforesaid circumstances, this Court is of the view that it would be apposite to dispose of the petition by permitting the petitioner to apply as per the policy. In the event such application is made, the respondents are directed to consider the same afresh uninfluenced by the decision rendered earlier and in accordance with law.

5. Needless to state that if the permission is denied, the petitioner would be at liberty to challenge the same and such challenge would be considered in accordance with law.

VIBHU BAKHRU, J

NOVEMBER 23, 2017
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