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

+ W.P.(C) 9033/2016 CM No. 36575/2016

M/S PUDHARI PUBLICATIONS PVT. LTD. Petitioner

Through: Ms. Nidhi Mohan Parasher with Mr.
Umang Kumar Singh and Mr. Yuvraj
Narvankar, Advocates

versus

PRESS COUNCIL OF INDIA & ORS Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **31.10.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 10.06.2016 (hereafter 'the impugned order') passed by respondent no. 1, the Press Council of India (hereafter 'the PCI'). By the impugned order, the PCI accepted the report of the Inquiry Committee and decided to censure the editor of the 'Pudhari' - the newspaper published by the petitioner in Marathi language.
2. The controversy in this matter relates to a news item captioned "Tussle between More-Kalagate on awarding tender to blacklisted Contractor" [English translation] which was published by the petitioner in its newspaper dated 20.06.2014. Respondent No. 5, who is the contractor referred to in the said report, filed a complaint alleging that the news item was defamatory and that the news regarding blacklisting was "*totally false, mischievous and defamatory*". He further alleged that this was within the

knowledge of the respondents (the newspaper, its editor and the concerned reporter) arrayed before the PCI. He further alleged that the newspaper had not sought any confirmation from him prior to publication of the said article. He also stated that although a complaint had been made to the respondent therein, he had received no response from them.

3. The said complaint was referred to the Inquiry Committee as per the Press Council (Procedure for Enquiry) Regulations, 1979. Admittedly, the petitioner was also issued a notice by the Inquiry Committee and had the right to adduce all relevant oral or documentary evidence (in terms of Regulation 9 of the said Regulations). The Inquiry Committee held a hearing on 11.05.2016 and even though the petitioner had the notice of the same, the concerned reporter could not attend the hearing before the Committee as his wife had undergone a surgery at the eleventh hour; therefore, the petitioner deputed one Mr. Dilip Urkude from the Pune Office to attend the hearing. Admittedly, Mr. Dilip Urkude rendered no assistance to the Inquiry Committee as he was not aware of the facts of the case and this is also commented upon by the Inquiry Committee as is noticed in the impugned order.

4. The learned counsel appearing for the petitioner contends that a plain reading of the article would indicate that it was not about the respondent no. 5 but about the tussle between two councillors. She further submits that in fact respondent no. 5 had been blacklisted; he had filed a suit against the blacklisting order and obtained a temporary injunction which was subsequently vacated and the suit itself was dismissed. She states that all these facts could not be placed before the Inquiry Committee as the concerned reporter who was fully aware of the same was unable to present

himself before the Inquiry Committee on 11.05.2016.

5. In the event the concerned reporter could not appear before the Inquiry Committee, the petitioner ought to have made an appropriate application before the Inquiry Committee for the aforesaid purposes prior to or at the hearing; or even thereafter. The learned counsel submits that before petitioner could do so, respondent no. 1 had passed the impugned order. Although the said contention is not persuasive as the impugned order was passed much after the hearing held on 11.5.2016, this Court is of the view that ends of Justice would be served, if the impugned order is set aside and the petitioner is given an opportunity to be heard by the Inquiry Committee. It is so directed.

6. The Inquiry Committee shall fix a fresh hearing and make a report after affording all concerned parties an opportunity to be heard and after considering the matter afresh. The PCI would take an appropriate decision after considering the Inquiry Committee's report.

7. The petition and pending application are disposed of with the aforesaid directions.

VIBHU BAKHRU, J

OCTOBER 31, 2017
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