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

+ **W.P.(C) 11683/2017**

RAJIV MOHAN GUPTA

..... Petitioner

Through: Mr Aman Nandrajog and Mr Ashish
Tiwari, Advocates.

versus

PRESS COUNCIL OF INDIA AND ANR.

.... Respondents

Through: Mr B.S. Shukla, CGSC with Mr Suraj
Kumar, Advocate for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.12.2017

CM No. 47436/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 11683/2017 and CM No. 47435/2017

3. Issue notice.
4. The learned counsel appearing for respondents accepts notice.
5. The petitioner has filed the present petition, *inter alia*, impugning an order dated 21.09.2017 issued by respondent no.1 imposing the punishment of censure on the petitioner. It is the petitioner's case that the order has been passed on an erroneous premise that the petitioner had published news in his newspaper. According to the petitioner, the news item in question was published in a Journal titled "*Harda Vikas Yatra*" in the month of July 2016 which was a supplementary publication. The petitioner further states that the said order has been passed *ex parte* as there was some miscommunication.

6. The petitioner states that apparently there were two proceedings initiated against the petitioner. One in relation to a complaint filed by one Mr Surendra Kumar Jain regarding another Article which appeared in the newspaper 'Dainik Jagran' on 09.09.2016 and the other proceedings - which culminated in the impugned order - were initiated *suo motu*. The said parallel proceedings caused some confusion and although the petitioner appeared in the case relating to the complaint filed by Mr Surendra Jain, he did not appear in the *sou motu* proceedings initiated by respondent no.1.

7. The petitioner further states that although a show cause notice was issued to the petitioner on 01.05.2017, due to some miscommunication, the same was not responded to. Thereafter, summons were issued to the petitioner on 02.08.2017. However, they were received much later on 10.08.2017 and the petitioner could not make arrangements to appear before the Inquiry Committee on 16.08.2017.

8. In view of the above, this Court considers it apposite to remand the matter for a fresh enquiry subject to payment of costs of ₹50,000/- to respondent no. 1 as volunteered by the learned counsel for the petitioner. Needless to mention that the Inquiry Committee shall give due notice to the petitioner and make its recommendation after affording the petitioner due opportunity to be heard.

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

VIBHU BAKHRU, J

DECEMBER 22, 2017
RK