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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
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\+ **W.P.(C) 11288/2015 and CM No. 29519/2015**

NOVABASE DIGITAL ENTERTAINMENT
PVT. LTD. .... Petitioner
Through:

versus

GOVT OF NCT OF DELHI & ANR. ..... Respondents
Through: Mr. R. A. Iyer, Advocate for Mr. Gautam Narrayan, Advocate

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE CHANDER SHEKHAR

O R D E R

% 02.05.2017

1. The Petitioner is a Multi System Operator (MSO) providing its services pan India under the provisions of the Cable Television Network Regulation Act, 1995. The challenge in the present petition is to the notices dated 29^{th} May, 21^{st} July and 12^{th} October, 2015 issued by the Entertainment Tax Officer (ETO) in the Office of the Commissioner of Excise, Entertainment & Luxury Tax, GNCT of Delhi (Respondent No.2). By the said notices the Petitioner has been asked to appear before the ETO with details as specified therein for the purpose of assessment of entertainment tax under the Delhi Entertainment and Betting Tax Act 1996 ('Act') for the year 2014-15

2. During the pendency of the present petition, this Court has by

judgment dated 9th March, 2017 in W.P.(C) 427/2014 (***SITI Cable Networks Ltd. v. Government of NCT of Delhi***) set aside similar notices issued to other MSOs *qua* the demand of entertainment tax by the GNCTD. It has been clarified in the said decision as under:

> "40. To be clear, MSOs to the extent that they directly provide cable service to the subscribers without the intervention of any LCO, would be regarded as the proprietors' under Section 7(1) and would be liable to collect and pay the entertainment tax to the Government. However, where the MSOs provide the service through the LCOs, the individual LCOs having their own subscriber networks, would be regarded as the proprietors in respect of their individual networks and would be liable to collect the entertainment tax and pay the same to the Government."

3. Consequently, the impugned notices issued to the Petitioner are hereby quashed. The Respondent No.2 will proceed in accordance with law and in particular in terms of the observations in para 40 of the decision in ***SITI Cable Networks Ltd. v. Government of NCT of Delhi*** (*supra*).

4. The writ petition is allowed in the above terms. No order as to costs. The pending application is disposed of.

S.MURALIDHAR, J

CHANDER SHEKHAR, J

MAY 02, 2017/b