

\$~56

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

+ **W.P.(C) 8768/2018**

SHARMA CABLE NETWORK

..... Petitioner

Through: Mr Lalit Valcha, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Mr Anurag Ahluwalia, CGSC for
UOI with Mr Abhimanyu Singh,
Advocates with Mr Anil Kumar,
Under Secretary.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

21.08.2018

1. Issue notice. The learned counsel appearing for the respondent accepts notice.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. That this Hon'ble Court be pleased to issue a writ of mandamus or any other writ or order or direction to the Respondent to immediately issue a licence to the Petitioner, which is delayed in gross violation of the principles of natural justice.”

3. The petitioner had applied for a license to operate as Multi System Operator (MSO) on 29.12.2017. He had also deposited the requisite fee of ₹1 lakh alongwith the said application. Thereafter, on 19.01.2018, the petitioner was informed by the respondent that he had not submitted Form-2

alongwith his application and was directed to do so. The petitioner complied with the aforesaid requirement and submitted his Form-2 on 04.05.2018. Although, a considerable time has elapsed, the petitioner's application had not been processed. The petitioner has now received a communication dated 03.07.2018, which indicates that the petitioner's application has been kept on hold as the respondent is re-examining the policy/guidelines.

4. Mr Ahluwalia, the learned counsel appearing for the respondent states, on instructions, that there are four major issues that were being considered. Three of them have been resolved and the resolution of the remaining issue is pending resolution awaiting inputs from TRAI. He states that the process would be completed shortly.

5. Clearly, the petitioner's application cannot be kept pending indefinitely. It is required to be processed on the basis of the applicable guidelines and policy. The respondent would of course be at liberty to re-examine the policy. However, it would be impermissible for the respondent not to process the petitioner's application.

6. In view of the above, the respondent is directed to process the petitioner's application as expeditiously as possible and in any event within a period of three weeks from today.

7. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

AUGUST 21, 2018
MK