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

+ **W.P.(C) 4183/2013**

HIGH DEFINITION TELEVISION PVT. LTD. Petitioner

Through **Mr. Rajeev Saxena, S.A. Khan and
Mr. Manish Khurana, Advs.**

versus

UNION OF INDIA & ORS

..... Respondents

Through **Mr. Amit Mahajan, CGSC with Mr.
Apoorv Singhal and Mr. Olson, Adv.
Mr. Rajeev Sharma, Mr. T. Rajat
Krishna, Mr. Saket Chandra and Mr.
Anmol Nag, Advs. for Prasar Bharati.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.02.2019

1. The petitioner has filed the present petition, *inter alia*, praying as under:

“a) Call for the records pertaining to the processing, approval and direction for scheduling and slotting of the serial “*Daag*” under SFC Scheme of the Respondents;

b) Issue an appropriate writ , direction or order thereby directing the Respondents to schedule and slot the serial “*Daag*” for uninterrupted telecast as a *Daily Prime Time - Grade A serial (5 days a week) on prime time at 9.30 - 10.30 pm on DD - National (DD-1)*, at the earliest within a specified period of time

with 104 weeks as approved, under SFC Scheme of the Respondents vide letter dated 02.07.2009;

c) Issue an appropriate writ , direction or order thereby directing the Respondents to release an interim payment of Rs. 2.45 Crores to the Petitioner towards the cost of 70 episodes as approved for Rs.3.50 lacs per episode for 30 minutes slot , by the DD which have already been shot and lying for release consequent to the approval as granted to be the Petitioner;

d) Issue an appropriate writ , direction or order thereby directing the Respondents to take necessary legal and lawful disciplinary action against the erring employees who had been responsible for abusing their office and in the process violating the fundamental rights of the petitioner as a legal entity on the one hand and causing huge losses to the Petitioner besides extensive loss of revenue to the Doordarshan on the other;

e) Issue an appropriate writ , direction or order thereby directing the Respondents to pay an amount of Rs.1.50 Crores to the Petitioner as and by way of compensation for the damages caused to the Petitioner by way causing unnecessary, unwarranted and unjustified deprivation of the returns of their valuable artistic inputs as put by the Petitioner on the basis of the approval, sanction as conveyed by your offices in production of 70 episodes of serial "*Daag*" besides causing to them grave mental tension, harassment, torture , loss of business, financial constraints and damages;”

2. It is the petitioner’s case that it had shot seventy episodes of a serial captioned *Daag*, pursuant to a letter dated 02.07.2009 issued by respondent

no.2 (Prasar Bharati), whereby the petitioner was advised to get into the production process as soon as possible and create a bank of episodes at least for three months in advance, and intimate Prasar Bharati regarding the same. The petitioner also claims that it has incurred cost to the extent of ₹2.45 crores and accordingly, the petitioner prays that the respondents be directed to release the interim payment of the said amount towards cost of seventy episodes. The petitioner also relies upon a letter dated 14.10.2009, whereby the petitioner had informed Prasar Bharti that it had already completed all episodes for the initial period of three months. The said letter is signed by one Nawman Malik (Producer) and the document produced on record indicates that the said letter was transmitted to Prasar Bharati on 14.10.2009 at 11:30 am.

3. The respondents dispute the aforesaid letters. They claim that the letters dated 02.07.2009 and 14.10.2009 are forged and fabricated.

4. Mr. Sharma, learned counsel appearing for respondent no.2 – Prasar Bharati – has referred to the counter affidavit, which includes a letter dated 03.09.2009. He states that examination of the signatures appearing on the two letters – letter dated 02.07.2009 relied upon by the petitioner and letter dated 3.09.2009 annexed with the counter affidavit – are identical and, therefore, it is apparent that the signatures on the letter dated 03.09.2009 have been lifted and used to forge letter dated 02.07.2009. It is also submitted on behalf of respondent no.2 that respondent no.2 had received another letter dated 14.10.2009 signed by Mr. Salman Malik on behalf of the petitioner. The said letter was transmitted four minutes after the transmission of letter of the same date relied upon by the petitioner. He

states that the notings of the said letter have been used to forge the letter dated 14.10.2009, which is now relied upon by the petitioner. Apart from the above, respondent no.2 also disputes that the petitioner has produced seventy episodes of the serial – *Daag*.

5. It is apparent from the above that there are serious factual disputes between the parties, and it would not be apposite for this Court to examine the same in these proceedings.

6. In view of the above, the petition is disposed of leaving it open to the petitioner to initiate an appropriate action including the action for recovery of damages. It will also be open to the petitioner to file appropriate application seeking exclusion of the time spent by the petitioner in pursuing this petition. Needless to state that as and when any such action is initiated or the application is filed, the same shall be considered in accordance with law. All rights and contentions of the parties are reserved.

VIBHU BAKHRU, J

**FEBRUARY 13, 2019
DR**