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

+ W.P.(C) 3375/2017

DINESH SONWANYA & ORS Petitioners

Through: Mr Anjani Kumar Mishra and Ms
Hardeep Kaur, Advocates.

versus

UNION OF INDIA & ORS Respondents

Through: Mrs Suparna Srivastava, CGSC with
Mr Tushar Mathur, Advocate for R-1
to 3.

Mr Arjun Natarajan, Advocate for R-
4/TRAI.

Mr Anuj Aggarwal, ASC for
GNCTD/R-5.

Inspector Puran Chand, EOW/Delhi
for R-5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.04.2019**

CM APPL. 44108/2018 in W.P.(C) 3375/2017

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

“a. Issue a writ in the nature of mandamus commanding the respondent no. 2, 3 and 4 to terminate/cancel/rescind the permission No. 1401.1(i)/2002-TV (I) dated 16.04.2003 and Wireless Operating License No. STV 02/01+01 Sty by dated 15.04.2013 and MSO Registration including all the connected licenses issued to the Respondent No. 6 (annexure); and/or

b. Issue an order, direction or writ in the nature of mandamus directing the respondent no. 1 to hold CBI enquiry under section 12 of CBI Act, 2010 against the Respondent No. 6 for

serious fraud committed by the Respondent No.6 against Petitioners/innocent consumers; and

c. Grant appropriate damages and costs to the Petitioners.”

2. The petitioner, essentially, seeks that the license granted to respondent no.6 be terminated, in view of the alleged violations of the guidelines for providing Headend-in-the-Sky (HITS) Broadcasting Service in India.

3. The learned counsel appearing for respondent no.1 to 3 states that the license granted to respondent no.6 was for a limited period and the same has already expired. He has drawn the attention of this Court to the license Agreement dated 24.01.2003. He points out that the said license agreement executed between respondent no.2 and respondent no.6, was valid for a period of ten years from the date of obtaining the wireless operating license. It is stated that wireless operating license was granted to respondent no.6 on 26.10.2004 and, therefore, the said license agreement dated 24.01.2003 expired by efflux of time on 25.10.2014. He submits that thereafter, a show cause notice was issued to respondent no.6 and an opportunity of hearing was also afforded on 10.08.2017. However, none had appeared on behalf of respondent no.6. He submits that only a formal order remains to be passed recording the termination of the license agreement, which has already expired by efflux of time.

4. In view of the above, the relief as sought for by the petitioner is academic, as it is not disputed that the license agreement entered into between respondent no.2 and respondent no.6 has already been expired.

5. Insofar, as the prayer made by the petitioner for holding an inquiry

under Section 12 of the CBI Act, 2010, this Court is not inclined to entertain the said relief in these proceedings. This Court is informed that the petitioner has already filed a complaint with the police authorities and the same has already been disposed, as it is reported that on inquiry, no criminal offence was found. Needless to state that if the petitioner is aggrieved by the same, it would be open for the petitioner to avail of the remedies as available in law.

6. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

APRIL 25, 2019
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