



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.21112 OF 2017

AND

W.M.P.NO.21986 OF 2017

Kal Cables Pvt.Ltd.,
Rep.by its Authorised Signatory
Mr.J.Rajesh,
No.229, Kutchery Road,
Mylapore, Chennai - 600 004.

... Petitioner

Vs.

1. Union of India,
Rep.by its Secretary,
Ministry of Information and Broadcasting,
Room No.116, "A" Wing,
Shastri Bhawan, New Delhi - 110 001.
2. The Chairman,
Telecom Regulatory Authority of India,
Jawaharlal Nehru Marg,
(Opp to Ramleela Maidhan),
New Delhi - 110 002.
3. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai -9.

... Respondents

PRAYER :

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to permit the petitioner/affiliates/attached cable operators/agents to carry on with analogue signals in cable tv transmission as done to with M/s.Tamil Nadu Arasu Cable TV Corporation Ltd.



WEB COPY

For Petitioner	: Ms.M.Sneha
For Respondents	: Mr.Venkataswamy Babu Senior Panel Counsel for R1
	Mr.K.M.D.Muhilan Government Advocate for R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to permit the petitioner/affiliates/attached cable operators/agents to carry on with analogue signals in cable TV transmission as done to with M/s.Tamil Nadu Arasu Cable TV Corporation Ltd.

2. According to the petitioner, the 1st respondent Government of India, has decided to totally digitalize the Cable TV transmission in the country by bringing an amendment in the Act, called Cable Television Networks (Regulation) Amendment Act 2011. Under the New Digital Addressable System (DAS) scheme, irrespective of FTA or Pay channels, the signals need to be fed through STBs only. Initially the 1st respondent has fixed 31st June 2012 and further extended the deadline upto 31.10.2012 for digital switch over. Thereafter, the licence/registration of MSO who are operating in analogue mode will be cancelled. While so, M/s.Tamil Nadu Arasu Cable TV Corporation was granted provisional registration to operate as MSO on 17.04.2017. By way of provisional registration, the respondents have granted time of three months to them to switch over to digital mode from analogue, i.e. they are permitted to continue to transmit signals through analogue mode. Thereafter, by letter dated 21.06.2017, further time till 17.08.2017 has been granted to them to continue with analogue mode signals. In such circumstances, the petitioner sent a representation to the respondents, seeking permission to continue with analogue mode as done to Arasu Cable. However, since no response was forthcoming despite the representation, the petitioner has come forward with the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the Government has decided to digitalize the entire cable TV transmissions and all the Cable TV operators can also obtain the signals from private MSO's. However, this writ petition has been filed, seeking permission to continue with analogue mode as done by Tamil Nadu Arasu Cable and to carry on with analogue mode for operating cable TV transmissions.



4. In reply, the learned counsel for the respondents would submit that after digitalization, all the cable TV operators are getting signals from private MSO's and the respondents also stopped giving permissions for analogue mode signals. Further, after changing the mode of signal from analogue to digital, it is the petitioner who switched over to avail service from private MSO's. As far as, the second respondent is concerned, if the petitioner is interested for analogue mode and the said mode of service is still available.

5. The submission of the second respondent is recorded and accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Secretary,
Union of India,
Ministry of Information and Broadcasting,
Room No.116, "A" Wing,
Shastri Bhawan, New Delhi - 110 001.
2. The Chairman,
Telecom Regulatory Authority of India,
Jawaharlal Nehru Marg,
(Opp to Ramleela Maidhan),
New Delhi - 110 002.
3. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai -9.

+1cc to the Government Pleader, S.R.No.63007

W.P.No.21112 of 2017

RSI (CO)
PM/24/01/2022