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

+ **W.P.(C) 8671/2007 & CM APPL. 16353/2007**

TV TODAY NETWORK LTD.

..... Petitioner

Through: Mr. Shahrukh Ejaz, Ms. Farheen
Penwale and Ms. Aditi Gupta,
Advocates.

versus

UOI

..... Respondent

Through: Mr. Dev P. Bhardwaj, CGSC with
Mr. Dhruv Kothari, Advocate.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

28.02.2024

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1. The present petition is filed under Article 226 of the Constitution for issuance of direction to the respondent for quashing of impugned order dated 20.11.2007 (hereinafter referred to as the “**impugned order**”).

2. It is stated that the respondent in exercise of given power under section 20(3) of the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as the “**Act**”) has warned the channel Aaj Tak being run by the petitioner to strictly adhere to the programme code prescribed under the Act. It was also directed by the impugned order that the petitioner shall not telecast/re-telecast the news item/programme telecasted on 14.09.2007 at 9:40 PM, which carried the confessional statement made by Surinder Singh Kohli, who is stated to be the main accused in Nithari Killing case and further directions were also issued in the impugned order.



3. The petitioner being aggrieved, filed the present petition with the prayer to quash the impugned order passed by the respondent.
4. The respondent filed the counter affidavit wherein stated that the impugned order was passed by the respondent after issuance of show-cause-notice dated 21.09.2007 and was also passed after due consideration of the objection raised by the petitioner in the reply. It is further stated that a programme was telecasted on 14.09.2007 at 9.40 PM on Aaj Tak news channel featuring the confessional statement made by one of the prime accused in Nithari Killing case in gross violation of various provisions/rules of the Cable Television Networks Rules, 1994. The respondent justified the impugned order.
5. The counsel for the petitioner stated that the petitioner undertakes not to telecast/re-telecast the said programme in future and as such, in view of the undertaking on behalf of the petitioner, the present petition can be disposed of.
6. Mr. Dev P. Bhardwaj, the CGSC for the respondent/Union of India stated that the petitioner has already undertaken not to telecast/re-telecast the programme, subject matter of the present petition in future and also be directed to be more careful while telecasting the programme regarding the various rules and regulations and legal provisions as per the Act and rules made thereunder. The respondent vide impugned order, directed the petitioner for strict compliance of the various legal provisions/rules as per the Act and rules made thereunder.
7. The petitioner has undertaken through the counsel, on instructions, not to repeat the programme, subject matter of the present petition and also to comply with the legal provisions/rules as per the Act and rules made



thereunder.

8. Accordingly, the present petition along with pending application, stands disposed of with the direction that the impugned order shall not be having any binding effect on the petitioner. However, it is made clear that the order in the present petition shall not be taken as a precedent in case of other violation by any other news channel. It is also made clear that the respondent shall be at liberty to take appropriate action in case of any future violation of provisions/rules as per the Act or rules made thereunder in accordance with law.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 28, 2024

N/AK