

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-24246-2023 (O&M)
Date of Decision : July 11, 2025**

SKY MEDIA

-PETITIONER

V/S

UNION OF INDIA AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Himanshu Dhawan, Advocate with
Ms. Khushdeep Mann, Advocate and
Ms. Arshdeep Kaur, Advocate
(Through V.C.)
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India,
(Through V.C.)
with Mr. Shobit Phutela, Sr. Panel Counsel
for the respondent(s)- U.O.I.

Mr. Aanchal Tandon, Advocate with
Ms. Pranjal P Chaudhary, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

CM-9477-CWP-2025

1. For the reasons assigned in the instant application, coupled with the 'No Objection' extended by the petitioner's counsel, the instant application is **allowed**. The amended memo. of parties, as enclosed with the instant application, is ordered to be taken on record.

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2. The instant writ petition encloses challenge to the order dated 13.10.2023, whereby, the respondent No.1 has declined the petitioner's prayer for grant of interim relief to the effect that the disconnected supply of signals of

the channels of Star India Pvt. Ltd. be again connected.

3. The impugned order has been assailed on the grounds that, the provisions of the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (hereinafter referred to as the 'Regulations of 2017') have not been meticulously complied with by the broadcaster/respondent No.2. Taking refuge under the mandate enclosed in Clause 15(2) of the Regulations of 2017, the learned counsel for the petitioner submits that, the broadcaster/respondent No.2 may disconnect signals of a television channel only after giving a three weeks' written notice to the distributor and that too when the latter does not meet the requirements specified in the Schedule III. Moreover, Regulation 17 of the Regulations of 2017 reiterates the prohibition against disconnection of signals of television channels without giving at least three weeks' notice in writing.

4. The learned counsel for the petitioner submits that, every notice served by the broadcaster/respondent No.2 was duly replied by the petitioner, however, yet in violation of the Regulations of 2017, the supply of signals to the petitioner's network has been disconnected on 27.09.2023.

5. The contentions of the petitioner's counsel are opposed by the learned counsel(s) for the contesting respondent(s). While defending the legality of the impugned order, it is submitted that, the impugned order has rightly been drawn by the respondent No.1, inasmuch as, the supply of signals has been suspended strictly in accordance with the Regulations of 2017. This fact was considered by the respondent No.1 and finding merit in the same, the interim relief was rightly declined to the petitioner.

6. While issuing notice of motion on 07.11.2023, this Court had,

after considering the detailed submissions made by the learned counsels for the parties and with the consent of the respondent's counsel, appointed an Auditor to carry out audit of the Digital Addressable System from the approved panel by the Telecom Regulatory Authority of India. Accordingly, Mr. Gaurav Mittal, Partner, M/s S.K. Mittal & Co., Chartered Accountants, E-29, South Extension Part II, New Delhi 110049, was approved to carry out the audit of the Subscriber Management System as well as Conditional Access System of the petitioner, and, to furnish a report about the subscriber base and as to whether the petitioner is compliant of the requirements stipulated under Schedule-III. Moreover, on further request of the parties to appoint a Local Commissioner to determine the under-reporting of the subscriber data, this Court had appointed Mr. R. Kartikeya, Advocate, as the Local Commissioner to oversee the collection of data in association with the Auditor. The relevant portion of the order dated 07.11.2023 is reproduced hereunder:-

“During the course of arguments, counsel for the petitioner vehemently contended that the verification of the Subscriber Management System and Conditional Access System can be duly done by the Auditors and that he is willing to make good the differential amount, as may be assessed by the Auditor, without prejudice to his rights.

Counsel for the respondent also contends that the respondent would have no objection to the re-audit being conducted by any approved Auditor and that if the deficiencies/defects in the Subscriber Management System and Conditional Access System are reported to be removed/rectified and the verification can be done and subject to the petitioner depositing the amount due, they would have no objection against reconnecting the supply of signals.

Counsel for the parties have requested that an Auditor may be appointed to carry out Audit of the Digital Addressable System

from the approved panel by the Telecom Regulatory Authority of India.

Accordingly, Mr. Gaurav Mittal, Partner, M/s S.K. Mittal & Co., Chartered Accountants, E-29, South Extension Part II, New Delhi 110049, Telephone Number 011-26255213, 011-41640694, Mobile Number: 09810750666, E-mail: gaurav@skmittal.co.in, who is on the panel of Auditors, is approved to carry out the Audit of the Subscriber Management System as well as Conditional Access System of the petitioner and to furnish a report about the subscriber base and as to whether the petitioner is compliant of the requirements prescribed under Schedule-III. The cost of the Auditor shall be borne by the petitioner.

Counsel for the parties further submit that a Local Commission also needs to be appointed as a random data as regards the subscriber base is required to be ascertained to determine the under reporting of the subscriber data. Hence, a Local Commission may be also appointed to be associated with the Auditor for collection of the Subscriber Data if required.

Accordingly, Mr. R.Kartikeya, Advocate, Enrollment No.P1572/2007, Mobile No. 98761-88115 is appointed as Local Commission to oversee the collection of data in association with the Auditor during the course of the Audit and/or collection of the subscriber data. The fee of the Local Commission is assessed at Rs. 1 lac to be borne equally by the petitioner as well as the Service Provider. Recovery of the fee of the Local Commission may be ordered from the party which is in default. The representatives of the parties may also be associated by the Local Commission as well as the Auditor while carrying out the Audit and collection of data of the Subscriber base and to correctly ascertain the Subscriber Management System and Conditional Access System.”

7. During pendency of the instant writ petition, the Auditor appointed by this Court expressed his inability to conduct the audit, therefore, this Court, vide order dated 02.12.2023, appointed Mr. Bhupinder

Jit Singh, Partner M/s Ashish Mahajan & Associates, First Floor, Star Complex, Basti Adda Chowk, Jalandhar (Punjab)- 144001, to carry out the audit in terms of the order dated 07.11.2023 and to submit a report by associating the Local Commissioner already appointed by this Court. The report of the Auditor and the Local Commissioner was placed on record and even objections to the same were also filed.

8. What emerges from perusal of this Court's proceedings is that, the petitioner has remained unsuccessful to secure any interim relief. Today, during the course of arguments, the learned counsels for the contesting litigants are *ad idem* that, since the appeal is still pending adjudication before the respondent No.1, hence the parties be relegated to the respondent No.1 to raise all the pleas, as raised before this Court.

9. At this stage, the learned counsel for the respondent No.2 requests that, they may be granted liberty to place on record before the respondent No.1 the Auditor's report and the objections filed thereto.

10. Consequently, the parties are relegated to the respondent No.1 to raise all the pleas and claims, as raised before this Court. The liberty (*supra*) is also granted to the respondent No.2. Moreover, the respondent No.1 is directed to make endeavour to expeditiously decide the subjudice appeal.

11. **Disposed of accordingly.**

July 11, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No