

Daily Orders for Case WP 10553/2024

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	M.NAGAPRASANNA	15/04/2024	<p>Heard Sri Jayakumar S. Patil, learned senior counsel for the petitioners. Learned Deputy Solicitor General of India is directed to accept notice for respondent Nos.1 and 2. Learned counsel for the petitioner to serve a copy of the petition papers upon the learned Deputy Solicitor General of India, forthwith. The petitioners are said to be the victims of certain broad cast made by respondent No.3 – M/s. Power Smart Media Pvt Ltd., which runs a television channel in the name and style of 'POWER TV'. Learned senior counsel would take this Court through the documents, which he has secured to demonstrate that the channel has not been permitted to run by the Government of India in the Ministry of Information and Broadcasting as is necessary in law. He would place reliance upon the communication dated 06.02.2024. The communication indicates that respondent No.3 is not a permitted company from the Ministry of Information and Broadcasting, which is necessary in law. Registry to print the name of Sri Shanthi Bhushan H., learned Deputy Solicitor General of India as representing respondent Nos.1 and 2, on the cause list. Learned counsel for petitioners on record to serve a copy of the notice upon respondent Nos.3 to 6 by way of hand summons. Learned Deputy Solicitor General of India to secure instructions with regards to the communication dated 06.02.2024, which is appended to the petition as Annexure 'X'. Tag this petition along with W.P.No.10639/2024 and list both the matters on 23.04.2024, in the fresh matters list.</p>
2	M.NAGAPRASANNA	23/04/2024	<p>Heard the learned senior counsel Sri. Prabhuling K. Navadgi and Sri. Sandesh J Chouta appearing for petitioners in both these cases. 2. This Court on 15.04.2024 had passed the following order: "... The petitioners are said to be the victims of certain broad cast made by respondent No.2 – Power TV, M/s. Power Smart Media Pvt. Ltd. Learned senior counsel would take this Court through the documents, which he has secured to demonstrate that the channel has not been permitted to run by the Government of India in the Ministry of Information and Broadcasting as is necessary in law. He would place reliance upon the communication dated 06.02.2024. The communication indicates that respondent No.2 is not a permitted company from the Ministry of Information and Broadcasting, which is necessary in law. Registry to print the name of Sri Shanthi Bhushan H., learned Deputy Solicitor General of India as representing respondent No.1., on the cause list. Learned counsel for petitioner on record to serve a copy of the notice upon respondent No.2 and 3 by way of hand summons. Learned Deputy Solicitor General of India to secure instructions with regard to the communication dated 06.02.2024, which is appended to the petition. Tag this petition along with W.P.No.10553/2024 and list both the matters on 23.04.2024, in the fresh matters list." 3. Learned counsel Sri. Swaroop Anand undertakes to enter appearance for respondent No.3/Mitcon Infra Project Private Limited in W.P.No.10639 of 2024. He would submit that he is having a valid licence being granted by the Union of India to run the show. Therefore, till the matter is heard and disposed, whoever is possessing the valid licence from the hands of the Competent Authority shall run the show. Registry to delete the name of learned Deputy Solicitor General of India Sri.H.Shanthi Bhushan as appearing for 1st respondent, as the name of Sri M.N. Kumar, Central Government Standing Panel Counsel is already appearing for 1st respondent in W.P.No.10639 of 2024.</p>
3	S.R.KRISHNA KUMAR	25/06/2024	<p>Heard learned Senior Counsel appearing for the petitioners in both the petitions and learned DSGI and CGSPC appearing for the Union of India and perused the material on record. I have also heard learned counsel for respondent No.3/ respondent No.5 in both the petitions. 2. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned Senior Counsel in both the petitions invited my attention to the earlier interim orders passed by this Court, in order to point</p>

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			<p>out that despite proceedings already having been initiated by the Central Government against respondent No.3/respondent No.5, the said respondent along with the other private respondents are continuing to broadcast without obtaining necessary approval / renewal of approval and as such, necessary directions may be issued to the said respondents not to continue to broadcast without obtaining necessary approval / renewal of approval, which is illegal and contrary to law and necessary directions may be issued to the private respondents restraining them from continuing with their said illegal activities. 3. Learned DSGI and CGSPC appearing for the respondent – Union of India submit that the proceedings have already been initiated against respondent No.3 / respondent No.5 and other private respondents and they have entered appearance in the said proceedings which are pending consideration. It is also submitted that a final show-cause notice dated 09.02.2024 has been issued by the Union of India to respondent No.3/ respondent no.5 who has received the same and is contesting the proceedings. The relevant portion of the said show-cause notice dated 09.02.2024, reads as under: "Final Show Cause Notice M/s. Mitcon Infraproject Private Limited was granted permission vide this Ministry's Letter No.1404/57(ii)/2011-TV(1) dated 13.10.2011 to uplink and downlink a News and Current Affairs TV channel namely ' Power TV' in accordance with the then Policy guidelines for uplinking an downlinking of the satellite TV Channels in India. The permission was valid till 12.10.2021 and the company applied for renewal of permission vide e-Application No.2022-23/TVI/RenewalPermission/0000108210, dated 30.12.2022. The same is under examination in the Ministry. 4. Learned DSGI also invited my attention to Annexure-X dated 06.02.2024, in order to point out that the Central Government has addressed a communication to the Director of Respondent No.3/ Respondent No.5 informing them that Power Smart Media Limited is not a permitted company from the said Ministry in relation to uplinking and downlinking of a TV channel. It is therefore submitted by the learned DSGI that till the completion of the proceedings initiated by them, respondent No.3/ respondent No.5 and other private respondents would not be entitled to continue to broadcast. 5. Learned counsel for respondent No.3/ respondent No.5, who also appears for other private respondents has produced documents in order to contend that necessary renewal has been obtained by respondent No.3 / respondent No.5 and the other private respondents have permission to uplink the channel. 6. A perusal of the documents produced by respondent No.3 / respondent No.5 including Document No.9 and Document No.11 would indicate that no renewal has been granted in favour of respondent No.3 / respondent No.5. In other words, the private respondents have not produced any material to establish that either their approval / licence / permission is valid and subsisting as on today. 7. Under these circumstances, in the light of the undisputed fact that the proceedings have been initiated by the Union of India pursuant to the final show-cause notice dated 09.02.2024, it would be just and appropriate to direct respondent No.3/ respondent No.5 and other private respondents not to continue with any broadcast and restrain all the private respondents from carrying on any broadcast activity till the next date of hearing. Re-list this matter on 09.07.2024.</p>