

No. N- 13012/26/2015-FM
Government of India
Ministry of Information and Broadcasting
'A' Wing , Shastri Bhawan, New Delhi- 110 115
(FM Cell)

Dated: 26.07.2015

IMPORTANT NOTICE

In continuation of this Office communication No. N- 38014/10/2015-FM dated 15th July, 2015, it is hereby informed to all the bidders that :-

(A) E-auction of the first Batch of Private FM Radio Phase III Channels will be conducted on 27th July, 2015 (Monday) from 0930 hrs. onwards.

(B) In compliance of Hon'ble Madras High Court common Interim order (copy enclosed) dated 23-07-2015 in the following matters, :-

- i) MP No. 4/ 2015 in WP. No. 21810/ 2015
- ii) MP No. 4/ 2015 in WP. No. 21812/ 2015
- iii) MP No. 4/ 2015 in WP. No. 21814/ 2015

the below mentioned Applicants are allowed to participate in the e-Auction of first batch of private FM radio channels (Phase III) :-

S. no.	Name of Applicant	Earnest Money Deposit(in INR)	Initial Eligibility Points
1.	M/s SUN TV Network Ltd	3,83,43,750	1533
2.	M/s Kal Radio Ltd.	6,75,00,000	2700
3.	M/s South Asia FM Ltd	18,69,22,075	7476

(C) In compliance of Hon'ble Delhi High Court common order (copy enclosed) dated 26-07-2015 passed in the following matters -

- i) W.P.(C) 6891/2015 & CM No. 12620/2015
- ii) W.P.(C) 6892/2015 & CM No. 12623/2015

the below mentioned Applicants are allowed to participate in the e-Auction of first batch of private FM radio channels (Phase III) :-

S. no.	Name of Applicant	Earnest Money Deposit(in INR)	Initial Eligibility Points
1.	M/s Digital Radio(Mumbai) Broadcasting Ltd.	19,00,00,000	7600
2.	M/s Digital Radio (Delhi) Broadcasting Ltd	18,00,00,000	7200

It may be noted that the Union of India has decided to file an SLP in the Hon'ble Supreme Court against the aforesaid order dated 26-07-2015 of the Hon'ble High Court of Delhi.

(D) For any assistance in this regard, please contact on email support@c1eauctions.com or helpdesk no. +91-120-488 88 88.

Encl.: As above

To

1. All the concerned
2. AROI

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Third day of July Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice M. SATHYANARAYANAN

MP No.4, 4 and 4 of 2015

IN WP Nos.21810, 21812 & 21814 of 2015

M/S.SUN TV NETWORK LTD., [PETITIONER IN MP.4/15 IN WP.21810/15]
REP. BY ITS MANAGING DIRECTOR,
K.VIJAYAKUMAR,MURASOLI MARAN TOWERS,
73, MRC NAGAR MAIN ROAD,
MRC NAGAR, CHENNAI-28.

M/S.KAL RADIO LTD, [PETITIONER IN MP.4/15 IN WP.21812/15]
REP. BY ITS MANAGING DIRECTOR, K.SHANMUGAM,
MURASOLI MARAN TOWERS, 73, MRC NAGAR MAIN ROAD,
MRC NAGAR, CHENNAI-28.

M/S.SOUTH ASIA FM LTD., [PETITIONER IN MP.4/15 IN WP.21814/15]
REP. BY ITS MANAGING DIRECTOR, K.SHANMUGAM,
MURASOLI MARAN TOWERS, NO.73, MRC NAGAR MAIN ROAD,
MRC NAGAR, CHENNAI-28.

vs

1 UNION OF INDIA, [RESPONDENTS IN ALL THE PETITIONS]
REP. BY THE SECRETARY, MINISTRY OF
INFORMATION AND BROADCASTING, GOVERNMENT OF
INDIA, SHASTRI BHAWAN, NEW DELHI-110 001.

2 THE DEPUTY DIRECTOR (FM)
MINISTRY OF INFORMATION & BROADCASTING,
GOVERNMENT OF INDIA, FM CELL, SHASTRI BHAWAN,
NEW DELHI-110 001.

3 UNION OF INDIA,

एफ. एम. प्रकोष्ठ, सू. एवं प्र. महालय
FM Cell, Ministry of I & B 8/B 92
प्राप्ति/Receipt. 24.07.2015
दिनांक/Date. 24.07.2015

Signature
24/7/15

Sh. KS

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REV. BY THE SECRETARY, THE MINISTRY OF HOME
AFFAIRS, GOVERNMENT OF INDIA, NORTH BLOCK,
CENTRAL SECRETARIAT, NEW DELHI-110 001.

Petitions praying that in these circumstances stated therein and in the affidavits filed therewith the High Court will be pleased

(1) to pass an order of interim direction, directing the respondents 1 & 2 to permit the petitioner to resubmit the bank guarantee and permitting the petitioner to participate in the forthcoming FM Station Phase III Auction pursuant to the notice Inviting Application in in No.N-38014/6/2013-FM dated March 2nd 2015 for B-Auction of 1st batch of Private FM Radio Phase- III Channels pending disposal of the writ petition (in MP.Nos.4, 4 & 4 of 2015 in WP.Nos. 21810, 21812 & 21814 of 2015)

Order : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.M.SHEHA, Advocate for the petitioner in MP.4/15 in WP.21810/15, M/s.P.MUTHURUMAR, Advocate for the petitioner in MP.4/15 in WP. 21812/15 and M/s.L.S.M.HASAN FICHAL, Advocate for the petitioner in MP.4/15 in WP. 21814/15 and MR.G.RAJAGOPALAN, Assistant Solicitor General for MR.M.VENKATASWAMY BABU, Special Panel Counsel, on behalf of the Respondents, the court made the following order:-

The prayer sought for in these miscellaneous petitions is one and the same and hence, these petitions are disposed of by this common order.

2. The petitioner in M.P.No.4/2015 in W.P.No.21810/2015, in the affidavit filed in support of this petition, would aver among other things that it is a public limited company and was incorporated in the year 1985 and it's shareholders are from India as well as from foreign countries. The petitioner claims that it is the largest television broadcaster in the South Indian states of Tamil Nadu, Kerala, Andhra Pradesh, Telangana and Karnataka and the Board of Directors comprised of 8 directors, out of which 4 are independent directors. The petitioner further claims that it offers 33 television channels in 4 languages including the flagship channel "Sun TV", which was launched in the year 1993 and was one of the India's first largest satellite television channel. The petitioner also launched Tamil FM radio stations in the cities of Chennai, Coimbatore and Tirunelveli under the name of "Suryan FM".

3. The petitioner in M.P.No.4/2015 in W.P.No.21812/2015 would state that it is engaged in the business of broadcasting FM radio under the brand name KAL Radio and is in existence from 07.10.2005 and claims to be one of the leading entertainment channels in South India, having invested an amount of Rs.150.22 crores and it is also

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offering direct employment to 348 persons and is in operation from the year 2006. The petitioner further claims that it contributed a payment of Rs.45.31 crores to the State Exchequer towards licence fee, incidental fees and share of gross revenue etc., and also made payment of Rs.55.95 crores towards Service Tax, TDS and Income Tax and it has also been awarded with 15 awards.

4 The petitioner in M.P.No.4/2015 in W.P.No.21814/2015 would state that it is engaged in the business of broadcasting FM radio under the brand name "South Asia FM" and is in existence from 09.11.2005 and it has invested an amount of Rs.140.80 crores and is offering direct employment to 395 persons, apart from providing employment to hundreds of persons indirectly. The petitioner further claims that it made payment of Rs.49.76 crores to the State Exchequer towards licence fee, incidental fees and share of gross revenues etc., and made a payment of Rs.60.35 crores towards Service Tax and TDS. The petitioner would further state that they have obtained licence under Section 4 of the Indian Telegraph Act, 1885 [in short "Telegraph Act"] under Phase-II policy from the first respondent and are maintaining very many FM radio broadcasting stations and the period of licence was for 10 years.

5. It is further stated by the petitioners that option was given to them to migrate to FM Phase-III policy and the applications for moving into Phase-III policy were notified on 02.03.2015. The petitioners further claim that they are carrying on business in strict compliance with terms and conditions set forth in the grant of permission agreement and in terms of the fulfillment of obligations in Phase-II policy, submitted all the necessary details. The petitioners would further state that though they fulfilled all the criteria, no permission for extension of licence was granted to them and therefore, the petitioner in W.P.No.21810/2015 was constrained to approach this Court by filing W.P.No.11477/2015 praying for appropriate direction, directing the respondents to provisionally extend the petitioner licence for six months from 01.04.2015 or till the migration to Phase-III Policy whichever is earlier and an interim order was granted for limited period and it was extended until further orders. It is the specific case of the petitioner that on 15.07.2015, the second respondent has published a list in the official website containing the names of broadcasters, who are permitted to migrate from Phase-II to Phase-III and to their shock and surprise, their names did not find place and they came to understand that is was not done so for want of "Security Clearance from the Ministry of Home Affairs, Union of India". The petitioner has contended that as per the terms and conditions of the licence, licence can be terminated/denied only when there is default in payment of licence fee and breach of any terms and conditions contained in the licence agreement and the Indian Telegraph Act does not stipulate security clearance and the petitioner company did not commit any act with regard to breach of the security of the nation and they did not broadcast anything which affected the security of the nation. The petitioner company also placed reliance upon Clause 2.2(b) of the Information Memorandum and Clause 3.2(b) of the Notice Inviting

Applications and took a stand that only a company controlled by a person convicted of an offence involving moral turpitude/drug trafficking, terrorist activities or declare as insolvent or applied for being declared insolvent will not be eligible to apply and the petitioner do not come under any of the above said categories.

6. The petitioners were served with the impugned communication dated 15.07.2015 by the second respondent giving reasons that due to want of security clearance and challenging the legality of the same, writ petitions are filed and pending disposal of these writ petitions, had filed these miscellaneous petitions praying for appropriate permission to resubmit the bank guarantee and permit them to participate in the forthcoming FM Station Phase- III auction pursuant to the notice inviting application dated 02.03.2015 for e-auction of first batch of private FM radio Phase- III channels.

7. Heard the submissions of Mr.P.S.Raman, learned Senior Counsel appearing for the petitioner in M.P.No.4/2015 in W.P.No.21810/2015, Mr.A.R.L.Sundaresan, learned Senior Counsel appearing for the petitioner in M.P.No.4/2015 in W.P.No.21812/2015 and Mr.Mohan Parasaran, learned Senior Counsel appearing for the petitioner in M.P.No.4/2015 in W.P.No.21814/2015.

8 The submissions made by the learned Senior Counsel appearing for the petitioners are as follows:

(1) The impugned order refers to (i) the prosecution of Tvl. Dayanidhi Maran and Kalanidhi Maran in Aircel-Maxis case by CBI alleging the receipt of Rs.549.96 crores as illegal gratification and other related charges, (ii) the charge made by the Enforcement Directorate regarding the allegation of money laundering by the above said persons involving an amount of Rs.5.5 billion in the above said matter and (iii) charge by CBI against Thiru.Dayanidhi Maran for setting up of 300 illegal telephone lines at the residence of Thiru.Kalanidhi Maran to facilitate the Sun TV services, thereby gaining an illegal pecuniary advantage of Rs.443 crores. The impugned order further reads that the Ministry of Home Affairs has stated that the aforementioned economic offences are of serious in nature, adversely impinging upon economic integrity of the country and on account of denial of security clearance, the application submitted by the petitioner was rejected, as it has failed to comply with the requirements of Clause 3.8 of the Notice Inviting Applications (NIA).

(2) Clause 3.2 of the NIA speaks about disqualifications and as per Clause 3.2.1, the following types of companies shall not be eligible to apply and as

per sub-clause (b) any company controlled by a person convicted of an offence involving moral turpitude or money laundering/drug trafficking, terrorist activities or declare as insolvent or applied for being declared insolvent is ineligible to apply and admittedly, none of the three companies are arrayed as accused and though certain criminal proceedings are pending against Tvl. Dayanidhi Maran and Kalanidhi Maran, charge sheets are yet to be filed and therefore, they are presumed to be innocent until the charges are proved to the guilt/beyond reasonable doubt and hence, the said Clause has no application to the case on hand.

(3) Clause 3.8 of the NIA speaks about Security Clearance and it reads that the Company as well as Directors on the Board shall be security cleared. Ministry shall take security clearance of the Company as well as its Directors from relevant Government Authorities. The information to be provided by prospective bidders for security clearance along with the application is given at Annexure 10.8. The company shall take prior permission of the Government before effecting any change in the Board of Directors.

(4) Clause 10.8 of the NIA speaks about Format for Security Clearance in respect of Company/Firm (Indian/Foreign) and the said Clause does not require the petitioners to submit the details regarding pendency of criminal cases except stipulating that the foreign investee/partner company self-declaration regarding presence/operation in China and Pakistan (if any) is required.

(5) Admittedly, the petitioners company are in operation for very many years and so far, no complaint has emanated with regard to breach of national security or broadcasting anything impinging upon national security and even as per the terms and conditions, they cannot broadcast any news except playing songs and therefore, breach of national security does not arise at all for consideration. Indian Telegraph Act, 1885 covers this field and Section 4 of the said Act does not say anything about security clearance.

(6) Even as per the terms and conditions of grant of permission agreement for operating FM radio broadcasting service-II, procedure is contemplated in Clause No.25 and admittedly, the petitioners company have not been visited with any adverse order, warranting suspension/revocation/termination of permission.

(7) The reasons assigned in the impugned order do not have any statutory force and admittedly, with regard to the grant of security clearance, the Hon'ble Minister

for, Information and Broadcasting, has voiced his opinion that the licence cancellation cannot be on the ground of want of security clearance and economic offences cannot be the cause for cancellation of licence to SUN TV and topmost law officer of the country, namely the Attorney General has also given a written opinion that the issues of national security cannot be invoked to deny the permission and the Ministry of Home Affairs, without heeding to the opinion of the Hon'ble Minister for Information and Broadcasting and the Attorney General of India, has taken a unsustainable stand that the cases pending against Tvl. Dayanidhi Maran and Kalanidhi Maran is impinging upon the economic integrity and in any event, it cannot lead to the presumption that the security and interest of the country is breached or compromised.

(8) The pattern of shareholding of the company would also reveal that the above said persons are not major shareholders.

(9) The list of pre-qualified bidders published on 15.07.2015 for e-auction of first batch of private FM radio Phase-III channels would also disclose that M/s. Reliance Broadcast Network Ltd., is in the said list and admittedly, the said company is facing prosecution in 2G Spectrum case and it has not been denied their right to participate in the e-auction on account of the fact that their involvement in the economic offences which allegedly breach the economic integrity of the country and for obvious and mala fide reasons, different yardsticks are applied to the said company as well as the petitioners company.

The learned Senior Counsel appearing for the petitioners has also placed reliance upon the decision in *Union of India v. Colonel K.S.N. Murthy and Another* [(2012) 1 SCC 716].

9. *Per contra*, Mr.G.Rajagopalan, learned Additional Solicitor General of India appearing on behalf of the respondents 1 to 3 in these miscellaneous petitions would contend that the petitioners having agreed to abide by the conditions by participating in the e-auction of first phase of private FM radio Phase-III channels, cannot turn around and take a contradictory stand. Attention of this Court was also invited to Clause 4.22, which speaks about Dispute Resolution and Jurisdiction and as per Clause 4.22.2, subject to Clause 4.22.1, the High Court of Delhi at New Delhi shall alone have the jurisdiction over all disputes arising out of or in respect of the Notice Inviting Applications, e-auctions and its terms and conditions for award of FM Radio Licenses under Phase-III and therefore, the petitioners ought to have approached the High Court of Delhi, as it alone is having jurisdiction to entertain any cases pertaining to the present dispute and therefore, this Court lack territorial jurisdiction to entertain

these writ petitions. It is further contended by the learned Additional Solicitor General that Clause 3.8 speaks about Security Clearance and admittedly, it has not been put to challenge and therefore, the petitioners cannot make any complaint with regard to denial of permission to participate for want of security clearance. It is further submitted that as per proviso to Section 4(1) of the Telegraph Act, the Central Government may grant a license, on such conditions and in consideration of such payment as it thinks fit, to any person to establish, maintain or work a telegraph within any part of India and therefore, it is open to the Central Government to impose conditions regarding security clearance and consequently, the said Clause is having a statutory backing. It is also submitted that Tvl. Dayanidhi Maran and Kalanidhi Maran are involved in the commission of economic offences, which also involve moral turpitude and therefore, their acts to be construed as economic terrorism, which affects the economic integrity of the country and thereby, impinging upon the national security and the petitioners company do not have any vested right to participate in the e-auction as a matter of right, as it is only a privilege. The learned Additional Solicitor General has also placed reliance upon the order dated 05.09.2014 made in W.P.Nos.23444 and 23445 of 2014 and would submit that some observations were made against the promoters of certain company and the respondents, taking into consideration the over all aspects, has rightly passed the impugned order and would further submit that in the event of this Court passing interim orders, it would definitely affect the economic integrity of the country and prays for dismissal of these miscellaneous petitions. The learned Additional Solicitor General, in support of his submissions, placed reliance upon the judgment of the Hon'ble Supreme Court in *Ex-Amazon's Protection Services Private Limited v. Union of India and Others* [(2014) 5 SCC 409].

10. This Court paid its best attention and anxious consideration to the rival submissions and also perused the materials placed before it.

11. A careful scrutiny of the materials placed before it in the form of typed set of documents would prima facie disclose that during the period of operation as FM Radio broadcasters, the petitioners' companies did not come to any adverse notice and admittedly, none of the companies are arrayed as accused either in Aircel-Maxis case, proceedings under Prevention of Money Laundering Act or prosecution launched by CBI. Insofar as Aircel-Maxis case is concerned, it is still in the stage of investigation and the competent authority under the Prevention of Money Laundering Act, is yet to file a complaint. Insofar as setting up of illegal telephone lines is concerned, CBI has launched criminal prosecution and it is also in the stage of investigation. It is a well settled position of law that accused is presumed to be innocent, unless the guilt is proved beyond reasonable doubt/beyond all probabilities and therefore, the said presumption, for the present, operates in favour of the above said persons.

12. The learned Additional Solicitor General has raised

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preliminary objection as to the lack of territorial jurisdiction on the part of this Court to entertain these writ petitions for the reason that as per Clause 4.22.2, the High Court of Delhi at New Delhi shall alone have jurisdiction over all disputes arising out of or in respect of the Notice Inviting Applications, e-auctions and its terms and conditions etc., the petitioners herein did not challenge the clause contained in the NIA, but their grievance is that under the guise of citing reasons that the activities of the above said persons impinge upon the economic integrity of the country, conclusion has been reached that it affects the security of the country. The fact remains that the companies are having its registered office at Chennai and the impugned orders were also communicated to them at Chennai and a part of cause of action also arose within the jurisdiction of this Court and therefore, this Court is prima facie is of the view that it is having territorial jurisdiction to entertain these writ petitions. As pointed out earlier, charge sheet/complaint is yet to be filed by CBI/authority constituted by the Prevention of Money Laundering Act and during the subsistence of operation as FM broadcasters, the petitioners did not come to any adverse notice.

13. The learned Additional Solicitor General has placed heavy reliance upon the order dated 05.09.2014 made in W.P.Nos.23444 and 23445 of 2014 and challenging the legality of the said order, M/s.Kal Cables Pvt. Ltd./petitioner in M.P.No.4/2015 in W.P.No.21812/2015 as well as the Union of India had preferred writ appeals and the same are pending adjudication. The learned Judge in para 60 of the said order has summarized the position after taking note of the fact that the noting made by the concerned officials in the file produced before him by the Ministry of Home Affairs, conclude that there are no adverse reports against the Directors/Key Executives of the petitioner company, from the security point of view and in para 61, further observed that the order passed in the writ petition preclude the Central Government from taking any action in accordance with law, if on the basis of information available with them, it is of the opinion that any action is to be initiated either (i) against the petitioner and/or (ii) against the television channels which form part of the same group and/or (iii) about the manner in which permission was granted to the petitioner to be a Multi System Operator on 30.09.2006, when one of the promoters was the Union Minister and/or (iv) about the circumstances under which the file relating to the permission granted to the petitioner was kept back for 7 years from 2006 till 2013 without being forwarded to the Ministry of Home Affairs.

14. It is also to be pointed out at this juncture that the issue involved in the above said writ petitions pertain to permission granted to the petitioner therein to be a Multi System Operator and no way concerned about operation of the FM Radio channel. Even otherwise, two writ appeals are pending against the said order and the issue raised in the above said writ petitions, is yet to reach the finality.

15. The facts of the case in *Ex-Armyman's Protection Services*

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Private Limited v. Union of India and Others [(2016) 8 SCC 409], would read that as per Rule 92 of the Aircraft Rules, 1937, the licensee who is in-charge of ground-handling services shall be subject to security clearance of the Central Board and in the light of the said fact, the said judgment came to be rendered, but in the case on hand, the Indian Telegraph Act, 1885 does not specifically speak about the obtaining of security clearance and even otherwise, as per the materials placed before this Court, the operation of FM channels by them did not come to any adverse notice.

16. It is also the vehement submission of the learned Senior Counsel appearing for the petitioners that one of the companies shortlisted is, involved in 2G spectrum case, which is being monitored by the Hon'ble Supreme Court of India and if the same yardstick is applied, they should have been eliminated otherwise. It is the submission of the learned Additional Solicitor General of India that he requires time to get details pertain to the said company and therefore, this Court is not expressing any opinion in that regard. The Hon'ble Minister for Information and Broadcasting in his initial reaction with regard to security clearance, came out in favour of the petitioner in M.P.No.4/2015 in W.P.No.21810/2015 and it is not in dispute that the Attorney General also gave his opinion that corruption cases which are being investigated against the network's promoter, cannot be the ground to deny permission. However, the Ministry of Information and Broadcasting, which issued the impugned order, has concurred with the Ministry of Home Affairs.

17. The prayer sought for by the petitioners in these miscellaneous petitions is limited to an extent that they have to participate in the e-auction for moving to Phase-III channels and also furnished all the necessary particulars and complied with all formalities. In the event of this Court permitting them to participate in the said auction, the bid amount may go up, which would ultimately benefit the country by means of more revenue. It is also to be pointed out at this juncture that the petitioners are existing operators and their business activities as FM Broadcasters have not come to any adverse notice.

18. This Court, on a careful scrutiny and analysis of the materials placed before it, is of the view that a *prima facie* case has been made out for grant of interim orders.

19. In the result, these Miscellaneous Petitions are ordered as prayed for. However, it is made clear that the result of the bid made/participation by the petitioners in pursuant to these interim orders, shall be kept in a sealed cover and be produced before this Court on the next date of hearing and the participation of the petitioners in the ensuing e-auction, is also subject to the result of these writ petitions.

20. The observations made herein are to arrive at a *prima facie* reason for grant of these interim orders and this Court has

not touched upon the merits of the case of either the petitioners or the respondents, as the writ petitions have to be adjudicated on its' own merits.

-sd/-
23/07/2015

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for *S. Ramakrishna* 23.7.15
Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY,
UNION OF INDIA, MINISTRY OF INFORMATION AND
BROADCASTING, GOVERNMENT OF INDIA, SHASTRI
BHAWAN, NEW DELHI-110 001.

2 THE DEPUTY DIRECTOR (FM)
MINISTRY OF INFORMATION & BROADCASTING,
GOVERNMENT OF INDIA, FM CELL, SHASTRI BHAWAN,
NEW DELHI-110 001.

3 THE SECRETARY,
UNION OF INDIA, THE MINISTRY OF HOME
AFFAIRS, GOVERNMENT OF INDIA, NORTH BLOCK,
CENTRAL SECRETARIAT, NEW DELHI-110 001.

C.C. to M/S.M.SHEHA Advocate SR.No. 10373, 10374 & 10375.

C.C. to M/S.P.MUTHUKUMAR Advocate on payment of necessary charges

C.C. to M/S.L.S.M.HASAN FIZAL Advocate on payment of necessary charges

C.C. to M.VENKATASWAMY BABU, Special Panel Counsel, SR.No. 10425, 10426 & 10427.

Order in
MP Nos.4, 4 & 4/2015
in
WP Nos.21810, 21812 & 21814/2015

Date :23/07/2015

From 26.2.2001 the Registry is issuing certified copies of the Interim Orders in this format
MSR 23.07.2015

bv 001961

**HIGH COURT OF JUDICATURE
MADRAS**

S. R. No. 10375

Carbon Copy application
made 23/7 2004

Application Returned...../.....200

Applicant Represented...../.....200

Copy made ready 23/7 2004

Copy delivered 23/7 2004

23/7/04

V. Laksh
Section Officer
C.C.C. Section

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

+ W.P.(C) 6891/2015 & CM No. 12620/2015

DIGITAL RADIO (MUMBAI)

BROADCASTING LIMITED & ANR

..... Petitioners

Through: Mr Kapil Sibal, Sr Advocate with
Mr Mahesh Agarwal, Ms Shally Bhasin,
Mr Rishi Agrawala, Mr Paras Anand, Mr
Lakshmeesh Kamath and Ms Ayushi
Chadha

versus

UNION OF INDIA

..... Respondent

Through: Mr Tushar Mehta, ASG with Mr Sanjeev
Narula and Ms Meha Rashmi along with
Mr Puneet Kansal, Joint Secretary and
Mr Yogender Trihan, Deputy Director, Ministry
of Information & Broadcasting.

AND

+ W.P.(C) 6892/2015 & CM No. 12623/2015

DIGITAL RADIO (DELHI)

BROADCASTING LIMITED & ANR

..... Petitioners

Through: Dr Abhishek Manu Singhvi, Sr. Advocate
with Mr Mahesh Agarwal, Ms Shally
Bhasin, Mr Rishi Agrawala, Mr Paras
Anand, Mr Lakshmeesh Kamath and Ms
Ayushi Chadha

Versus

UNION OF INDIA

..... Respondent

Through: Mr Tushar Mehta, ASG with Mr Sanjeev
Narula and Ms Meha Rashmi along with

True Copy
B.S. Rawhan
Court Master
Delhi High Court
New Delhi

Mr Puneet Kansal, Joint Secretary and
Mr Yogender Trihan, Deputy Director, Ministry
of Information & Broadcasting.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

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ORDER
26.07.2015

In the backdrop of the order passed yesterday, we are pronouncing the operative portion of the judgment containing the reasons which is taking some time to be printed.

The operative portion reads as under:-

“28. In these circumstances, we quash the impugned decision communicated by the letters dated 15.07.2015 denying security clearance to the petitioner companies. The said petitioner companies shall be entitled to participate in the e-auction subject to other conditions being fulfilled. The writ petitions are allowed in terms of prayer (c) to the aforesaid extent. The parties shall bear their own costs.”

The full judgment containing the reasons shall be made available and would be placed on the file by tomorrow, i.e., 27.07.2015.

Dasti under the signatures of the Court Master.

Sd/-
BADAR DURREZ AHMED, J

Sd/-
SANJEEV SACHDEVA, J

JULY 26, 2015
dutt

True Copy
(B) Kansal
26/07/15
Court Master
Delhi High Court
New Delhi