

**File Number N-45006/1/2021-DAS**  
**GOVERNMENT OF INDIA**  
**Ministry of Information & Broadcasting**

“A” Wing, Shastri Bhawan  
New Delhi, Delhi – 110001

Dated the 30<sup>th</sup> May, 2022

**ORDER**

In compliance to the Hon'ble High Court of Bombay at Aurangabad order dated 04.04.2022 in the Writ Petition No. 1230 of 2022 filed by M/s Bhusawal Cable Network Private Limited (BCN), personal hearing was granted to BCN on 10.05.2022. Shri. Md. Salim, Director, BCN and Adv. Shri. Upendra Thakur appeared. The case was discussed and the earlier written submissions made during the original proceedings were reiterated. After considering the oral submissions made and also the written submissions made by BCN from time to time, the following order is passed.

**Facts of the case**

2. This Ministry vide its communication number 9/111/2014-BP&L dated 04.11.2015 had granted provisional registration of Multi-System Operator (MSO) to BCN for operating as MSO in Digital Addressable System in the State of Maharashtra and Madhya Pradesh as notified vide Notification Number 2534 (E) dated 11.11.2011 under Cable Television Networks (Amendment) Rules, 2021.
3. BCN was subsequently given PAN India registration of MSO vide this Ministry's Circular Number 2/108/2015-DAS dated 27.01.2017 and was thereafter treated to have a regular registration of MSO vide this Ministry's Office Memorandum Number 9/406/2016-DAS dated 06.03.2017.
4. The registration of MSO granted to BCN by this Ministry was subject to adherence and compliance of certain terms and conditions already cited in its registration.
5. Pursuant to a complaint received in this Ministry against BCN regarding taking feed from DD Free dish and re-transmitting on its network, the Ministry requested the authorized officer (AO) concerned prescribed under Section 2 of the Cable Television Networks (Regulation) Act, 1995 to inquire into the matter and submit his report to this Ministry.

*J. Salim*  
30/05/22

6. The AO in his report dated 20.09.2021 to the Ministry stated that feed from DD Free Dish was used by BCN for re-transmission of certain mandatory and private satellite channels.

7. The report from AO relied on supporting evidence in the form of Panchanama in the presence of two witnesses and corroborative video recording of the enquiry proceedings were also furnished.

8. On the basis of AO's report and analysis of supporting evidence, opportunities of being heard were provided to BCN by the Ministry vide its communications dated 24/09/2021 and 07/10/2021 and explanation for the non-compliance of the terms and conditions laid down in its MSO registration were sought.

9. After considering the submissions made by the BCN, Ministry vide its communication dated 23.11.2021 cancelled the MSO registration granted to BCN on 04.11.2015 while giving an opportunity to appeal to the Appellate Authority (AA).

10. BCN filed an appeal before the AA. However, AA vide its order dated 14.01.2022 upheld the earlier decision of OA/Registering Authority (RA) of cancelling the MSO registration of BCN.

11. Aggrieved by this, BCN filed Writ Petition No. 1230 of 2022 in Hon'ble High Court of Bombay, Bench at Aurangabad which was decided by the Court by reverting the matter to the Original Authority i.e. the Registering Authority for deciding the matter afresh on its own merits and in accordance with law while directing to provide an opportunity of personal hearing to the petitioner (BCN) without being influenced by the observations made and conclusions drawn in the orders dated 23.11.2021 and 14.01.2022.

12. Pursuant to the Hon'ble Court's order dated 04.04.2022, personal hearing by the OA/RA was tendered to BCN on 10.05.2022, and as indicated above, was attended in person by Director of BCN, Shri Md Salim Mahmood Kasim along with Advocate Shri Upendra Thakur.

**Personal hearing dated 10.05.2022**

13. During the personal hearing, Advocate Shri Upendra Thakur put forward arguments in support of BCN. No fresh written submission was filed at the time of personal hearing but submissions filed on 25.09.2021, 29.02.2021, 16.10.2021, 12.11.2021, 28.11.2021, 23.12.2021 were reiterated. The following arguments were specifically raised at the time of personal hearing:

