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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION (Lodg.) NO. 3142 OF 2020

ARG Outlier Media Private Ltd. & Anr. ... Petitioners

V/s.

Union of India and Ors. ... Respondents

Mr. Nikhil Sakhardande, Senior Advocate a/w. Pralhad Paranjpe
a/w. Saket Shukla a/w. Mrinal Ojha a/w. Debashri Dutta, Vasanth
rajasekaran a/w. Rajat Pradhan a/w. Sanjeev Sambasivan a/w. Reshma
Pavipati i/b. Phoenix Legal for the Petitioners
Ms. Jyoti Chavan, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
MILIND JADHAV, JJ.***

***DATE : 11 SEPTEMBER 2020
(Through Video Conferencing)***

P.C. :-

Not on board. Taken on board.

2. Heard learned Counsel for the parties.

3. The Petitioners have sought various writs primarily aimed at the Digital Multi-System Operators (Cable Network Operators) for not stopping the broadcast of the News TV channels of the Petitioners, namely Republic TV and Republic TV Bharat.

According to the Petitioners, the cause of action for seeking such reliefs is a communication issued by the Respondent No.5 -Shiv Cable Sena to various Cable Network Operators on 10 September 2020. The Petitioners contend that by this communication, the Respondent No.5 has threatened the Cable Network Operators that if they do not cease to air these TV channels, they would have to face public agitation.

4. Mr. Sakhardande, the learned Senior Advocate for the Petitioners, submits that as regards the dispute between the Cable Network Operators and the Petitioners, the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) is the appropriate authority. However, as per the notification issued by it, it is not functioning till 18 September 2020. The learned Counsel submits that because of this position; this Court should entertain the Petition and issue necessary directions to the Respondents – State and Union of India to ensure smooth broadcast of the TV channels.

5. Ms. Chavan, the learned AGP appearing for the State of Maharashtra submits that the Petitioners' grievance is against private entities and the Writ Petition is not an appropriate remedy, and the Petitioners can file a Civil Suit, besides the other available statutory remedies.

6. We have considered the rival contentions.

7. The Respondent No.5 Shiv Cable Sena is not a statutory authority to either supersede the license granted to the Petitioners or to interfere in the contractual/statutory relationship between the Petitioners and the Cable Network Operators. The communication issued by it has, therefore, no effect in law.

8. If the Cable Network Operators breach the contractual/statutory relationship with the Petitioners, the Petitioners have the remedy of approaching the appropriate Authority. The Petitioners have sought a restraint order till the re-opening of the Tribunal on the ground that the Cable Network Operators may stop airing the TV channels of the Petitioners pursuant to the communication by the Respondent No.5. It is not brought to our notice that any Cable Network Operator has ceased to air the two TV channels as of now. Even if the Cable Network Operators do cease to air the concerned channels, it is not possible for us to presume that it is only because of the communication issued by the Respondent No.5, or for any other reason.

9. As regards the intimidating communications are concerned, the recipients have their remedies of approaching the Law Enforcement Authorities like any other citizen.

10. In these circumstances, we do not deem it necessary to pass any further orders. Clarifying the position as above, the Writ Petition is disposed of.

11. This order will be digitally signed by the Personal Assistant/Private Secretary of this Court. All concerned to act on production by fax or email of a digitally signed copy of this order.

MILIND JADHAV, J.

NITIN JAMDAR, J.