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

+ W.P.(C) 14039/2022

STAR INDIA PRIVATE LIMITED Petitioner

Through: Mr. Mukul Rohatgi, Sr. Adv. with
Mr. Rajiv Nayar, Sr. Adv. with Ms.
Ruby Singh, Mr. Sidharth Chopra,
Ms. Swikriti, Mr. Rnajeet Singh, Mr.
Kuber Mahajan, Ms. Kritika
Sachdeva, Mr. Akshay, Advs.

versus

TELECOM REGULATORY AUTHORITY OF INDIA

..... Respondent

Through: Mr. Arjun Natarajan, Ms. Kamana
Pradhan, Mr. Laxmi Kant Srivastava,
Advs. for TRAI

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+ W.P.(C) 14080/2022

SUN TV NETWORK LIMITED Petitioner

Through: Mr. Amit Sibal, Sr. Adv. with Mr.
Abhishek Malhotra, Ms. Shilpa
Gamnani, Mr. Rishabh Sharma, Mr.
Vinay, Advs.

versus

UNION OF INDIA & ANR. Respondent

Through: Mr. Arjun Natarajan, Ms. Kamana
Pradhan, Mr. Laxmi Kant Srivastava,
Advs. for TRAI

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+ W.P.(C) 14093/2022

CULVER MAX ENTERTAINMENT PRIVATE LIMITED
(FORMERLY SONY PICTURES NETWORKS INDIA PVT. LTD.)

..... Petitioner

Through: Mr. Gopal Jain, Sr. Adv. with Mr.

Abhishek Malhotra, Ms. Shilpa
Gamnani, Advs.

versus

UNION OF INDIA & ANR. Respondent
Through: Mr. Arjun Natarajan, Ms. Kamana
Pradhan, Mr. Laxmi Kant Srivastava,
Advs. for TRAI

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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28.09.2022

**CM APPL. 42886/2022 & CM APPL. 42887/2022(for exemption) in
W.P.(C) 14039/2022;**

**CM APPL. 42993/2022 & CM APPL. 42994/2022(for exemption) in
W.P.(C) 14080/2022;**

**CM APPL. 43038/2022 & CM APPL. 43039/2022(for exemption) in
W.P.(C) 14093/2022**

Allowed, subject to all just exceptions.

The application shall stand disposed of.

W.P.(C) 14039/2022 & CM APPL. 42885/2022(Interim Relief)

W.P.(C) 14080/2022 & CM APPL. 42992/2022(Interim Stay)

W.P.(C) 14093/2022 & CM APPL. 43037/2022(Interim Stay)

Notice. Since the respondent is duly represented, let a counter affidavit be filed within a period of six weeks from today. The petitioner shall have four weeks thereafter to file a rejoinder affidavit.

Prima facie, the Court finds itself unable to sustain the order of 20 September 2022 bearing in mind the fact that the same would amount to the appeal itself being virtually disposed of once the petitioners who were the appellants before the TDSAT were called upon to comply with the impugned directions of 25 November 2021 while the appeals were kept

pending. The Court also takes into consideration the assertions made by TRAI itself in its affidavit filed in the appeal preferred by the first writ petitioner. The Court also notes that the issue of the applicability of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 to OTT platforms and the regulation of those platforms is a matter which is presently pending consideration before the Supreme Court. Matter requires consideration.

In view of the aforesaid and till the next date of listing, there shall be stay of the order dated 20 September 2022 passed by the Telecom Disputes Settlement and Appellate Tribunal [TDSAT] in B.A. No. 01/2021, B.A. No.02/2021 and B.A. No. 01/2022. Additionally and bearing in mind the order of the Supreme Court of 09 May 2022 in W.P. (C) 799/2020, there shall be stay of further proceeding in B.A. No. 01/2021, B.A. No.02/2021 and B.A. No. 01/2022 pending before the TDSAT.

List again on 03.03.2023.

YASHWANT VARMA, J.

SEPTEMBER 28, 2022

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