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

+ **W.P.(C) 12906/2023**

**ALL INDIA DIGITAL CABLE FEDERATION** ..... Petitioner

Through: Mr. Jayant Mehta, Senior Advocate  
with Mr. Swapnil Gupta and Mr.  
Abhinav Mishra, Advocates.

versus

**TELECOM REGULATORY AUTHORITY OF INDIA**

..... Respondent

Through: Mr. Ankur Sood, Advocate for TRAI.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

% **03.10.2023**

**CM APPL. 50852/2023 (Exemption)**

Allowed, subject to all just exceptions.

**W.P.(C) 12906/2023 & CM APPL. 50853/2023**

1. The instant writ petition has been filed with the following prayers:

*“A. Declare that the exclusion of issues of the Petitioner in the Consultation Paper dated 08.08.2023 is unjust, illegal and arbitrary; and*

*B. Issue a writ of mandamus or any other writ, order or direction to the Respondent herein to consider all the issues raised by the stakeholders including the Petitioner through a fresh consultative process in accordance with the requirement of transparency that is set out at Section 11 ( 4) of the TRAI Act.”*

2. The Petitioner seeks to raise the following issues:



<b>S. No.</b>	<b>Issues</b>
1.	Cap on CPS rates for the DPO and only inflationary correction should be permitted on annual basis.
2.	TRAI should permit packaging of all pay channels in single bouquets irrespective of ala-carte rates
3.	Carrying Broadcaster bouquet as it is should be removed and DPOs should have freedom to choose channels from Broadcasters bouquet which was prevalent before NTO1
4	Inclusion of channels in the bouquet formed by DPO should be based on DRP and not MRP.
5.	The incentive of 15% may be combined with distribution fee and make it 35% of the MRP to be given to DPOs
6.	Broadcasters to be directed not to supply signals to the DPOs who have not complied with Reg 15 (Technical Audit) for continuous period of two calendar Years
7.	Linear channels shall be offered to OTT subscribe at same price by Broadcasters as it is being offered to DPO's
8.	TRAI should permit packaging of all pay channels in single bouquets irrespective of ala-carte rates
9.	Any DPO involved in Piracy should be not be provided with content in future
10.	Disconnection threshold in NTO2 to be removed.

3. It is stated by the learned Senior Counsel for the Petitioner that the aforesaid issues are vital issues concerning the industry at large and the same ought to have been included in the Impugned Consultation Paper dated 08.08.2023. He states that the Petitioner understands that some of the issues and if not all have been recommended by the Union of India in the consultation process and the TRAI is not looking into these issues.

4. Issue notice.

5. Mr. Ankur Sood, learned Counsel, accepts notice on behalf of Respondent/TRAI and seeks some time to file reply.

6. Reply be filed before the next date of hearing.

7. List on 15.12.2023.

**SUBRAMONIUM PRASAD, J**

**OCTOBER 3, 2023**

*S. Zakir*