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

Reserved on: 11th September, 2025

Pronounced on: 12th December, 2025

+ W.P.(C) 5273/2017, CM APPL. 6479/2018 & CM APPL. 14739/2019

RAJEEV KHANPURI & ORS

.....Petitioners

Through: Ms. Prity Sharma, Advocate.
with Petitioner Nos.17 & 18 in-
person.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms. Shiva Lakshmi, CGSC with
Mr. Madhav Bajaj, Ms. Katyani
Joshi & Mr. Prabhakar Mishra,
Advocates for UOI.
Mr. Abhishek Birthray, Mr.
Chandan Sharma & Mr. Nikhil
Sharma, Advocates for R-2 & 3.

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

JUDGMENT

AMIT SHARMA, J.

1. The present petition under Article 226 of the Constitution of India, 1950, has been filed seeking the following prayers: -



“It is therefore, most respectfully prayed that, in the interest of justice, this Hon'ble Court may be graciously pleased to;

(i) Issue an order or direction or writ in the nature of writ of Certiorari, thereby, quashing the arbitrary and discriminatory "Guidelines for Commissioned Programmes for Telecast on DD-Kashir - 2017 and "Request for Programme Proposals for Telecast on DD-Kashir of 2017";

(ii) Issue an order or direction or writ in the nature of writ of Mandamus, thereby, directing the Respondents that fresh programme proposals for commissioning be considered only after pending approved proposals of the petitioner duly commissioned and funds released for the same,

(iii) Issue an order or direction or writ in the nature of writ of Mandamus, thereby, directing the respondents to release funds to the petitioners and to commission the programmes of the petitioner in terms of extant guidelines in terms of which the petitioner's programmes were approved.

(iv) Pass any such other order/ orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

(emphasis supplied)

2. At the very outset, it is pertinent to note that initially, the present petition was filed by 16 petitioners. During the pendency of the present petition, *vide* order dated 21.12.2018 in **CM Nos. 54295/2018 & 54531/2018** passed by learned Predecessor Bench, the present contesting petitioners (Nos.17 & 18) were arrayed as party to the present petition. The petition stood satisfied insofar as the initial petitioner Nos.1 to 16 were concerned, and accordingly, they were deleted from the array of parties, *vide* order dated 05.03.2020 by learned Predecessor Bench. Thus, the present petition has now been pursued/contested by petitioner Nos.17 and 18.

3. *Vide* order dated 11.03.2025, learned Predecessor Bench had directed



learned counsel for the said petitioners to take instructions whether the present petition still survives given the passage of time. In pursuance thereof, on 30.07.2025, learned counsel for the petitioners submitted before this Court that they are not pressing prayers (i) and (ii) and are limiting their submissions with respect to prayer (iii). Therefore, this Court has heard submissions in the present petition with respect to prayer (iii) only.

4. The petitioners are producers, who were stated to have been empanelled by respondent No.2 (*Prasar Bharti*: Broadcasting Corporation of India) and respondent No.3 (Directorate General: *Doordarshan*), and were involved in producing programmes for the channel, DD-Kashir channel of *Doordarshan*. The petitioners had submitted the proposals for approval of their programs to respondent Nos.2 and 3 in pursuance of the then governing Guidelines for Commissioning of Programmes for Telecast on DD Kashir (2008-2009) and Request for Programme Proposals (RPF) for Telecast on DD Kashir issued by said respondents. The grievance of the petitioners is that they are entitled to payment to the extent of 50% of the approved budget upon approval of their scripts as per the aforesaid then existing guidelines; however, said respondents despite having approved their scripts have been delaying payment to them thereby, depriving the petitioners of their legal entitlements under the aforesaid guidelines. It is stated that subsequently, on 31.05.2017, without discharging the liabilities of the petitioners, respondent Nos.2 and 3 issued fresh guidelines for commissioning of programmes for telecast on DD Kashir and RPF was also issued inviting proposals for commissioning of programmes. It is, however, the case of the petitioners that respondent No.3, *vide* letter dated 03.06.2015, had given undertaking that



fresh commissioning of programmes for DD Kashir would be considered only after the pending 104 proposals are cleared and funds are released for the same. It is further the case of the petitioners that respondent Nos.2 and 3 citing shortages of funds had arbitrarily diverted the funds earmarked for the said pending 104 proposals for other purposes, and thus, prevented the petitioners of their entitled payment to the extent of 50% of the approved budget subsequent to the approval of their scripts.

5. Learned counsel for the contesting petitioners submitted that prior to the enactment of fresh guidelines in 2017, respondent No.3, despite giving the undertaking, *vide* letter dated 03.06.2015, that the fresh commissioning of programmes for DD Kashir would be considered only after 104 pending proposals under commissioning were cleared and funds are released for the same, have not released the 50% of the approved budget on approval of the scripts of the petitioners. It is the case of the petitioners that recommendations of the second expert panel/reconsideration committee constituted in pursuance of the submissions made before Predecessor Bench of this Court *vide* order dated 01.12.2017 in not approving the scripts of the contesting petitioners are arbitrary and discriminatory as out of 104 pending proposals 91 were approved, paid and telecasted on DD Kashir channel and all payments have been made to them and also their bank guarantees have been released. It has been argued that it is only for the contesting petitioners' scripts for which despite the same being approved, funds as per the then existing guidelines have not been released. It is further submitted that this discriminatory non-release of funds to petitioner Nos.17 & 18 despite approval of their scripts is violative of rights of small individual producers to carry out their vocation as



the same would tantamount to precluding/prohibiting the petitioners, who are small producers to come up with their work.

6. *Per contra*, learned Central Government Standing Counsel appearing for the respondent Nos.2 and 3 has submitted that the contesting petitioners were merely empanelled producers subject to the Guidelines for consideration, processing and approval of Commissioned Programmes for telecast on J&K/Kashir Channel, 2007, which are the guidelines applicable to the case of the petitioners. It is submitted that the petitioner No.17-Tarun Verman and petitioner No.18-Prem Chopra *vide* letters dated 19.08.2011 and 11.07.2014 respectively, submitted two scripts “*Gardish*” and “*Dard Vichardiyan De*” which were approved. It is submitted that said approvals were pursuant to evaluation by the Evaluation committee; however, due to unavailability of funds, the respondents could not enter into agreement. It is further submitted that as the initial approval was granted some time back, it became necessary to determine whether the approved scripts/proposals were relevant, contemporary in nature and fit for telecast. For testing the same, a three-member re-consideration/Expert Panel Committee (second) was constituted, which had examined all 104 pending proposals in detail and recommended 91 proposals and the proposals/scripts submitted by the petitioners were not recommended by the said expert panel. It is further submitted that findings of the expert panel were placed before three-member committee, which agreed with the recommendations of said expert panel and thereafter, same were placed before Production and Content Committee during meeting held on 25.06.2018. It is further submitted that subsequently, in pursuance of minutes of Prasar Bharti Board meeting held on 19.11.2018,



the scripts of 91 producers were recommended for signing agreements and remaining 13 producers' scripts/programmes, including that of contesting petitioners, were not found to be relevant and contemporary, and thus, it was not possible to sign agreements with them and consequently, no funds were released to them. It is the case of respondent Nos.2 and 3 that the approval in the case of the petitioners was only *qua* the scripts submitted by them and as their scripts were not taken to the stage of production, no agreement of production was signed with the petitioners herein. It has been argued that there was no concluded contract between the petitioners and respondent Nos.2 and 3 and empanelment of the contesting petitioners did not entitle them to any right to produce a commissioned programme, and also, in terms of the applicable guidelines, the respondents had right to change the number, type, genre of programmes to be commissioned at any stage and their decision, in this regard, was final. It is, thus, submitted that the reliefs sought in present petition have been rendered infructuous and the same be dismissed.

7. Heard learned counsels for the parties and perused the records.

8. Petitioner No.18, Prem Chopra, Wavelength Pictures, 3/151, IInd Floor, Sunder Vihar was empanelled as producer for undertaking Commissioned Programmes in Kashir Channel *vide* letter dated 03.07.2008. The approval of the script of 8 episodes entitled, "*Dard Vichadiyan De*" in Punjabi language submitted by petitioner-Prem Chopra *vide* letter dated 11.07.2014 was approved and intimated to the said petitioner *vide* letter/communication dated 29.10.2014. Similarly, Petitioner No.17, Tarun Verman, Swati Production, 73/1C, Havelock Square, was empanelled as



producer for undertaking Commissioned Programmes in Kashir Channel *vide* letter dated 03.07.2008. The approval of the final script of 4 episodes entitled, “*Gardish*” in Urdu language submitted by petitioner-Tarun Verman *vide* presentation on 16.08.2011 was approved and intimated to the said petitioner *vide* letter/communication dated 28.07.2014.

9. It is pertinent to note that in the letters dated 03.07.2008 issued to the petitioners respectively, for “Empanelment of Producers for Commissioned Programme” following terms were laid out: -

“You may however, note that your Empanelment as a Producer is subject to verification of the Original Documents against copies of such documents which were submitted by you alongwith your application.

The necessary verification of the original document will be done at the time for Presentation of the proposal, which you may submit against such advertisements made by Doordarshan within a stipulated time. **You may further note that mere empanelment, as a Producer does not entitle you to any right to produce a Commissioned Programme of Doordarshan.**

Doordarshan reserves the rights to cancel your empanelment for the reasons Doordarshan finds appropriate for such cancellation.

Further, this empanelment is subject to the provisions of the Guidelines for production of Commissioned Programmes for the Kashir Channel of Doordarshan or any other circulars/orders, which may be issued by Prasar Bharati/Doordarshan from time to time, in this connection”

(emphasis supplied)

10. As per the counter affidavit dated 12.03.2019 filed on behalf of respondent Nos.2 and 3, since the approval for the scripts of the contesting petitioners was given in 2014, they deemed it necessary to determine whether



the approved proposals were relevant contemporary in nature and fit for telecast and accordingly, a second review committee was constituted to examine the approved proposals. The said three-member expert committee scrutinised each proposal and submitted a report that 91 out of 104 proposals continued to be relevant and contemporary. The remaining 13 proposals including that of contesting petitioners were not recommended as approved. Thereafter, Directorate, Doordarshan, had requested the Ministry of Information and Broadcasting to sanction fund amounting to Rs.11.55 Crores for processing the 91 recommended programmes approved by a three-member Expert Committee. Subsequently, Prasar Bharti Board in its meeting held on 19.11.2018 granted principal approval for release of funds for the approved 91 proposals/scripts.

11. It has therefore, come on record that the said second three-member expert/reconsideration Committee constituted for examining the approved proposals had not recommended the programmes of the contesting petitioners for signing of agreements from the perspective of DD Kashir channel. The recommendations of the said committee in respect of “*Dard Vicharyain De-Serial Punjabi*” and “*Gardish-Serial (Urdu)*” reads as under: -



DARD VICHARYAIN DE - Serial (Punjabi)

After reading the concept note and the script, the expert panel found that the serial outlines the story of an IAS officer posted in Kashmir whose wife runs an NGO to educate children. The daughter of the IAS officer wants to marry son of her father's friend. However, terrorists gun down the IAS officer's wife.

The Expert Panel further observed that the serial revolves around the family of the IAS officer and then shifts to the NGO run by his wife and then hovers on to the marriage dreams of his daughter thereby mixing of plots and losing the focus in the process.

On the whole, the script and the story line do not have coherence to befit Doordarshan's Programme Requirements, neither are they contemporary nor relevant. The story does not qualify to be telecast in DD Kashir.

ARIF HUSSAIN RADHU

(Member)

ASHOK OGRA

(Member)

(ASHWANI KUMAR)

(Member)



Gardish - Serial (Urdu)

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After reading the concept note and the script, the Expert Panel found that the serial pertains to matching of horoscope for matrimonial purposes. When it comes to marriage of one children, one alliance recommended by an astrologer resulted in a bad marriage.

The Expert Panel further observed that this theme has no relevance as it is more of marginal issues of the society.

On the whole, the script and the story line do not have coherence to benefit Doordarshan's Programme Requirements. The story does not qualify to be telecast in DD Kashir.

ARIF HUSSAIN RADHU

(Member)

ASHOK OGRA

(Member)

(ASHWANI KUMAR)

(Member)

12. The case of the petitioners that, earlier, their scripts were approved and recommended for programming and telecast on 16.08.2011 is misplaced as no concluded contract was ever executed between the petitioners and respondents as per the then existing guidelines. The empanelment of contesting petitioners (Nos.17 & 18) did not entitle them to any right to produce a commissioned programme. It is pertinent to note that as per Clause B: Inviting Programme Proposals of the then guidelines for



consideration, processing, and approval of Commissioned Programmes for telecast on J&K/Kashir Channel well as the terms of the empanelment, as reproduced hereinbefore, the respondents had right to make changes in number, type, genre of the programmes and their decision in that regard was final. The decision of the recommendation committee was purely on programming considerations. The petitioners had not assailed the aforesaid recommendations of second expert/reconsideration committee constituted by respondent Nos.2 and 3 nor they had taken recourse to their remedies as permissible in law to raise any dispute or protest against the same. It is not the case of the petitioners that constitution of the said expert/reconsideration committee was not in accordance with the guidelines or that they had disputed its constitution. It is pertinent to note that said Committee was formed during the pendency of the present petition to address the petitioners' grievance (who were the initial 16 petitioners in the present petition) and the same was prior to the time, when the present contesting petitioners (Nos. 17 & 18) were impleaded as parties in the present petition. It is further noted that the grievance of the original petitioners Nos.1 to 16 already stood satisfied in terms of the recommendations of the Committee constituted and only the grievance of the contesting petitioners remained to be determined.

13. At this stage, it is apposite to refer to the relevant clauses in the then existing Guidelines for consideration, processing, and approval of Commissioned Programmes for telecast on J&K/Kashir Channel of Doordarshan:



B. Inviting programme proposals

- i. Proposals will be invited on identified themes/subjects from empanelled producers by a notice which will, inter alia, give details of the programme categories, genres, themes, subjects, number of episodes / hours of programme requirement for each language/dialect.
- ii. Doordarshan reserves the right to make changes in the number of programmes to be commissioned, their type/genre, theme/subject and the number of episodes at any stage, and its decision in this regard shall be final.
- iii. Doordarshan may commission programmes either on Fixed Budget basis or Assessed Budget basis so however that Fixed Budget would apply only for normal commissioning and Assessed Budget would apply for exceptional cases of eminent producers selected by the Empowered Committee Chaired by CEO. The basis of costing shall be recorded in the proceedings of the Committee. In the Fixed Budget Mode, the applicant would be expected to submit a proposal to produce the programme within the episode price specified by Doordarshan whereas in the Assessed Budget Mode the episode price would be determined by the Costing Committee. The notice would clearly mention the Budget Mode.

E. EVALUATION

- i. Each proposal received will be initially evaluated on the basis of all submitted documents for its suitability in terms of channel requirement by a Suitability Committee constituted for this purpose. Of the proposals shortlisted, those that are considered for serials of 13 episodes or more, will be asked to produce a pilot at their own risk and cost, except in the case of niche formats so determined. Short listed proposals will be referred to an Evaluation Committee.
- ii. The Evaluation Committee will have four official members, 2 from Doordarshan of the rank of Director and out of the remaining two official member - one from MHA and the other from the Ministry of Defence. The Committee, in addition to official members, shall have three (3) outside experts. The outside experts will be from the fields of film/ TV production, performing art, broadcasting, journalism, literature, management, social sciences etc. Such a panel of outside experts will be prepared by the Channel Manager and will have the approval of the DG.
- iii. Prasar Bharati may ask the applicant/ producer to make a presentation in respect of the programme proposal submitted by him/her. In such an event, the applicant/ producer must present himself/ herself in person before the Evaluation Committee along with the requisite members of the creative team as may be intimated and make such presentation (with the pilot wherever stipulated). Presentation by a person other than the applicant/ producer will not be allowed.
- iv. The Committee will evaluate proposals mainly on the basis of the pilot (wherever applicable), presentation and the information submitted about the programme. The number of episodes will be decided by the Committee.

**G. APPROVAL**

- i. The recommendation of the Evaluation Committee (in case of Fixed Budget Mode), shall be placed before the DG:DD for approval.
- ii. The decision regarding such approval will be taken by DG: DD. Acceptance or rejection of the proposal shall be communicated to the applicants within thirty days of the decision.

K. PAYMENTS:

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Payment for a programme will be made in the following manner:

Sl no	When to be paid	Amount to be paid
1.	On Signing of Agreement and script approval	50% of the total budget
2.	On approval of rough cuts of all episodes.	30% of the total budget
3.	On approval of the final product (all episodes)	20% of the total budget
4.	Payment of amounts will be released by Prasar Bharati only against a 100% irrevocable Bank Guarantee. The Bank Guarantee will be for cumulative amounts. The maximum validity period of Bank Guarantee will be six months beyond the period specified in the Agreement for submission of the complete programme to the full satisfaction of Prasar Bharati. In case the Programme is satisfactorily completed the Bank Guarantee will be released within one month of submission of the programme and all other required material.	
5.	If the Producer fails to submit the programme within the time frame agreed upon, with or without extension, Prasar Bharati may, at its discretion and in addition to taking any other action, encash the Bank Guarantee without notice to the Producer.	
6.	The amount of penalty wherever imposed and the interest shall be deducted from the episode price payable to the Producer.	

(emphasis supplied)

14. As per the aforesaid guidelines, the recommendations of the evaluation/reconsideration committee shall be placed before the Directorate



General: Doordarshan for approval and the decision regarding such approval will be taken by the Directorate General: Doordarshan and it is only after approval of a programme, Doordarshan Directorate will enter into an agreement with the applicant. Further, as per Clause K: 'Payments', payment of 50% of the total budget for a programme was to be paid on signing of agreement and script approval. In the present case, as per the recommendations of the second expert/reconsideration committee, the scripts/programmes of the petitioners were not recommended as approved. The amount as claimed by the petitioners was payable only on signing of agreement and script approval. Even otherwise, the empanelment of the petitioner Nos. 17 & 18 would not entitle them to any right to produce a commissioned programme. It is further pertinent to note that, even if, earlier recommendations given by reconsideration committee on 16.08.2011 for the scripts of "*Dard Vicharyain De-Serial Punjabi*" submitted by petitioner-Prem Chopra and "*Gardish-Serial (Urdu)*" submitted by petitioner-Tarun Verman, approving the same for telecast in terms of the then existing guidelines is considered, then also, it is noted that the said recommendations were not put before Directorate General: Doordarshan for approval for entering into an agreement with the contesting petitioners in terms of Clause G which provided for 'Approval'. Therefore, even for earlier recommendations of reconsideration committee, the claim for release of 50% of the total budget cannot be sustained as the payment for the programme in terms of Clause K (Payments) was to be done on signing of agreement and script approval. Fulfilment of both the requirements, *i.e.*, signing of agreement and script approval, was *sine qua non* as per the then extant Guidelines.



15. In view of the aforesaid discussion and in facts and circumstances of the present case, this Court does not find any ground to direct respondents to release funds to the petitioners and to commission their programmes in terms of the then existing guidelines, pursuant to which the petitioners' programmes were approved.

16. The present petition is dismissed and disposed of.

17. Pending applications, if any, also stand disposed of accordingly.

18. Judgment be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA
JUDGE

DECEMBER 12, 2025/bsr/ns