



2026:DHC:5192



§~

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Reserved on: 27<sup>th</sup> March, 2026*  
*Pronounced on: 30<sup>th</sup> June, 2026*

+ W.P.(C) 5874/2019

DHRUV FILMS & ORS. ....Petitioners  
Through: Ms. Meenakshi Midha, Mr. Garv  
Singh, Advs.  
versus  
D D URDU .....Respondent  
Through: Mr. Sahil Bhalaik, Adv.

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

### **JUDGMENT**

**AMIT SHARMA, J.**

**CM APPL. 528/2022, CM APPL. 15015/2022, CM APPL. 11405/2023 &  
CM APPL. 61727/2023**

1. The captioned petition was filed on behalf of Petitioner No. 1, assailing the order dated 08.04.2019 being F. No. 5/406/2011-UC (hereinafter referred to as the “**Impugned Order**”), passed by the Section Officer, DD Urdu, Directorate General, Doordarshan (hereinafter referred to as the “**Respondent**”), whereby the Respondent had placed the proposal of Petitioner No. 1 titled as “Zameen Dekh, Falak Dekh, Jahan Dekh” in the category of “Fiction”, instead of “Animation”. Petitioner No. 1 had also sought a writ of mandamus, directing the Respondent to commission his serial in “Animation” genre/format.



2. The captioned petition was disposed of by the learned Predecessor Bench of this Court, *vide* order dated 31.01.2020. The said order is reproduced as under: -

“The present petition has been filed challenging the order dated 08.04.2019 passed by the respondent no.1 rejecting the representation of the petitioner to treat his proposal for programme titled “**Zamein Dekh, Falak Dekh, Jahan Dekh**” in the category of ‘Animation’ film instead of in the category of ‘Fiction’.

The petitioner has taken me through the Stills of the proposed programme. The same clearly evidences that the programme proposed by the petitioner was to be considered in the category of ‘Animation’. In fact, as is evident from the Office Note dated 15.11.2011, which categorised the programme of the petitioner in the category of ‘Animation’, as also note of the Evaluation Committee dated 22.02.2012, which calls it an animation serial on science fiction, the Evaluation Committee has considered the programme of the petitioner to be falling within the category of “Animation”.

In view thereof, the Impugned Order, insofar as it refuses the representation of the petitioner to categorise the serial of the petitioner in the ‘Animation’ Category, is set aside. The respondents shall consider the programme of the petitioner in the category of ‘Animation’ on merits and in accordance with their Guidelines and Notification and further decision thereof shall be taken by the respondents within a period of four weeks from today and be communicated to the petitioner.

Needless to say, in case the petitioner is aggrieved to such decision, it would always be open to the petitioner to challenge the same in accordance with the law.

The petition is disposed of in the above terms, with no order as to cost.”



## FACTUAL MATRIX

3. Petitioner No. 1/applicant is a proprietor firm, engaged in the business of making and producing films, documentaries, short films, etc., and is running the said business for more than 25 years. It was stated that Petitioner No. 1 specialises in animation films, serials and advertisements and had made several programmes for Doordarshan and its various channels. The Respondent, DD Urdu, is a public service broadcaster and runs various television channels under the name of Doordarshan and operates various regional/language satellite channels, including DD Urdu.

4. Subsequent to disposal of the present petition, an application, **CM APPL. 528/2022**, under Section 151 CPC, had been filed on behalf of Petitioner No. 1/applicant, *inter alia*, seeking directions to the Respondent to issue Work Order in accordance with the provisions of guidelines of Prasar Bharati. The prayers contained in the said application are reproduced as under: -

“1. DOORDARSHAN/PRASAR BHARATI be directed to issue me the WORK ORDER, STRICTLY ACCORDING TO THE PROVISIONS OF GUIDELINES OF PRASAR BHARATI, particularly in regard to number of episodes, without any further delay.

2. A suitable compensation should be given to me by DOORDARSHAN for the mental agony, time wasted and efforts that I had to put-in due to the False ploys and the attempts to sabotage my project, during the last 7-8 years. To counter such RUSE or DEMEANOR, I HAD TO FILE TWO WRIT PETITIONS in this very project and in both of them the complicity of Doordarshan officials was exposed.



3. Pass any such and further order which this Hon'ble Court may deem fit and proper in the facts of case.”

5. *Vide* order dated 15.03.2022, passed by the learned Predecessor Bench of this Court, it was observed that despite the categorical directions, as contained in order dated 31.01.2020, the Respondent had failed to take any decision *qua* the re-categorisation of the programme of Petitioner No. 1.

6. Subsequent thereto, an application, **CM APPL. 15015/2022**, seeking compliance of orders dated 31.01.2020 and 15.03.2022 had been filed by Petitioner No. 1/applicant, and the same sought the following prayers: -

“(i) issue direction to the respondent for strict compliance of the orders dated 15.03.2022 & 31.01.2020 passed by this Hon'ble Court in the above said Writ Petition (C) 5874/2019;

(ii) pass any other order or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.”

7. Subsequently, on 12.07.2022, it was pointed out by the learned counsel for the Respondent that Prasar Bharati had received 580 proposals for DD Urdu, and out of those, 164 proposals had been processed as per the requirement of the channel and availability of funds. In view of the same, the Respondent was directed to file a reply to the aforesaid CM APPLs.

8. On 09.01.2023, it was stated by the Respondent that some communications had been issued to Petitioner No. 1/applicant and sought time of 4 (*four*) working days to place the said communications on record, along with the affidavit of the competent Officer. The said communication



2026:DHC:5192



and the relevant portion of the affidavit of the Respondent dated 02.01.2023 is reproduced as under: -

**Communication dated 09.01.2023**

**File No. 5/406/2011-UC Commissioning of proposals on DD Urdu Channel - regarding**

1 message

DD urdu <ddurdudgdd@gmail.com>  
To: Om Sehgal <sehgal.om@gmail.com>

Mon, Jan 9, 2023 at 10:50 AM

To,  
**M/s Dhruv Films**  
**2/11 Nehru Enclave .Opp. Nehru Place New Delhi -110019**

The proposal titled " **Zamein Dekh, Falak Dekh, Jahan Dekh** " of **M/s Dhruv Films** , received for commissioning in DD Urdu Channel was pending decision in this Directorate. However, due to certain unforeseen reasons and irrelevancy of the project in today's scenario, the Competent Authority has decided to cancel the rest of the scheme with immediate effect.

Therefore, we regretfully inform you that the above proposal submitted may please be treated as cancelled.

**With regards,**

**Satvinder Kaur Badhan**  
**Section Officer (DD Urdu)**  
**DG: DD New Delhi -110001**

\*\*\*

\*\*\*

\*\*\*

**Affidavit dated 02.01.2023**

"2. It is submitted that the Respondent had invited applications for commissioning of programmes for DD Urdu Channel in the year 2009 and 2011. The Petitioner was an applicant under the said scheme. The proposals were initially evaluated by the Evaluation Committee comprised of outside experts. Out of a total of 1046 proposals a total of 580 proposals were shortlisted. Thereafter the channel and content review committee considered the issue. It felt that approvals in respect of all 580 proposals were not feasible because of huge expenditure involved and issues relating to quality control, limitations on slotting and maintaining a balance between various categories and channel. The Committee was of the view that out of the 580 shortlisted proposals, final



selection for the first phase of commissioning should be done on the basis of fund availability and the requirements in various genres, etc. Initially, first list of 164 proposals were processed as per requirement of the channel and the availability of funds and commissioned.

3. The Petitioner had filed the instant writ petition praying that the programme submitted by him titled "Zamein Dekh, Falak Dekh, Jahan Dekh" be considered in Animation Genre Format and work order be issued to him.

4. By an order dated 31.01.2020, this Hon'ble Court had allowed the writ petition and directed the Respondent to consider the programme of the Petitioner in the category of 'Animation' on merits and in accordance with the guidelines and notifications and a further decision be taken.

5. In pursuance to the said order of this Hon'ble Court, the Respondent had issued a letter dated 24.02.2020 to the Petitioner wherein the Respondent had shifted his programme from 'Fiction' category to 'Animation' category. Further, it was informed to the Petitioner that out of a total of 580 proposals shortlisted, the first list of 164 proposals were processed as per requirement of the channel and the availability of funds. He was also informed that with respect to the remaining 421, a decision is awaited from the Prasar Bharati.

6. Thereafter, the matter was considered by Prasar Bharati had considered the proposals. It was noticed that these proposals were invited was under a time bound scheme of commissioning of the proposals for DD Urdu channel which was financed by Ministry of Information & Broadcasting under the revenue plan funds. Accordingly, Ministry of Information & Broadcasting provided the funds for the 1<sup>st</sup> list of 164 proposals out of 580 short listed proposals. However, the Ministry later declined to allocate the funds for the remaining proposals with the remarks that it was a time bound scheme and now the same has been closed. Therefore, the CEO, Prasar Bharati decided to cancel the rest of the scheme.

7. Pursuant to the said decision taken by Prasar Bharati, an email dated 09.01.2023 was sent to the Petitioner informing him that due to certain unforeseen reasons and irrelevancy of the project in current scenario, the Respondent has decided to cancel the rest of the scheme with immediate



effect. Copy of the email dated 09.01.2023 is annexed as **ANNEXURE R-1**.

8. It is submitted that commissioning of a programme is based on considerations such as availability of funds, requirement of the channel, etc. It is for the Respondent to decide whether commissioning of a programme is to be done as per the current requirements. Therefore, the Petitioner cannot claim a right to be issued a work order.

9. The decision to cancel the remaining scheme is a bonafide programming decision. No right vests in the Petitioner to insist that a work order be issued for his programme. The proposal is of the year 2009 and 2011 and the same has lost its relevancy at this time.”

9. On 24.01.2023, late Shri Om Sehgal, proprietor of the Petitioner No. 1/applicant, had sought time to place on record certain documents, alongwith an application, to demonstrate that the work order could have been issued in favour of Petitioner No. 1.

10. Subsequent thereto, another application, **CM APPL. 11405/2023**, under Section 151 of the CPC, was filed on behalf of the Petitioner No. 1/applicant, seeking the following prayers: -

“a) Issue direction to the Respondent to provide the work order for commissioning of the serial "Zamein Dekh Falak Dekh Jahan Dekh", with number of episodes as per the provisions of Guidelines of Prasar Bharati, at current and prevailing rates.

b) Pass an order that the Respondent may pay me 'A compensation of Rs 50,00,000/- (Rupees Fifty Lac) for mental torcher, tension and harassment be given to me through their unethical and vindictive acts.

c) Pass any such further or other order that this Hon'ble Court deems fit. And proper in the facts and circumstances of the present case.”



The Petitioner No. 1/applicant in support of the aforesaid application, had further placed on record several documents to demonstrate that work order could have been issued in favour of Petitioner No. 1/applicant.

11. Subsequent thereto, another application, **CM APPL. 61727/2023**, under Section 151 of the CPC, was filed on behalf of the Petitioner No.1 /applicant, seeking the following reliefs: -

“a) Issue direction to the Respondent to issue the work order for commissioning of the serial "Zamein Dekh Falak Dekh Jahan Dekh", under DAP Category with number of episodes as per the provisions of Guidelines of Prasar Bharati, at current and prevailing Rates.

b) give me the serials of the same amount in the acquisition category.

c) CEO/DG may use their powers to adjust my serial anywhere in 44 channels in commissioned category/DAP/Acquisition category

d) Pass any such further or other order that this Hon'ble Court Deems fit and proper, considering the facts and circumstances of the present case.”

12. It is pertinent to note that during the pendency of the present applications, the proprietor of Petitioner No. 1, Shri Om Sehgal, had passed away on 07.12.2023 and an application, **CM APPL. 75197/2024**, under Order XXII Rule 3 read with Section 151 of the CPC was preferred on behalf of the legal heirs of late Shri Om Sehgal, which was allowed *vide* order dated 21.02.2025 passed by the Worthy Joint Registrar, and the Petitioners No. 2 and 3 were impleaded.



2026:DHC:5192



13. Thereafter, in pursuance of an order dated 01.09.2025 passed by this Court, the Respondent had filed a compliance affidavit dated 15.09.2025, authored by Ms. Chetna Relhan, Section Officer, Doordarshan, and the same is reproduced as under: -

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

**CM APPL. NO. 15015 OF 2022**

**IN**

**W.P. (C) NO. 5874 OF 2019**

**IN THE MATTER OF:**

**M/S DHURUV FILMS**

**...PETITIONER**

**VERSUS**

**DD URDU, DOORDARSHAN**

**...RESPONDENT**

**AFFIDAVIT IN COMPLIANCE OF ORDER DATED 01.09.2025**

I, Chetna Ralhan, D/o Sunil Kumar, aged about 30 years, currently working as Section Officer in Doordarshan do hereby solemnly affirm and declare as under:

1. I am the authorized representative of the Respondent in the captioned Petition and am fully conversant with the facts and circumstances of the case and as such, I am competent to swear and affirm this Affidavit. The present affidavit is being filed in compliance of order dated 01.09.2025 passed by this Hon'ble Court.

2. I state that vide order dated 31.01.2020, while disposing the captioned writ petition this Hon'ble Court, inter alia, directed that the Respondent shall consider the programme of the Petitioner in the category of Animation on merits and in accordance with their Guidelines and





Notification and further decision thereof shall be taken by the Respondent within a period of four weeks from the date of passing of the order and be communicated to the Petitioner. Thereafter, vide letter dated 24.02.2020, the Petitioner was informed that in terms of order dated 31.01.2020 passed by this Hon'ble Court, the programme titled "Zamein Dekh, Falak Dekh, Jahan Dekh" of the Petitioner has been shifted from 'Fiction' category to 'Animation' category and enlisted at Serial No. 1. A copy of the list was also provided to the Petitioner.

3. I state that the Petitioner was informed that a total of 580 proposals were shortlisted for DD Urdu commissioning and out of these 1<sup>st</sup> list of 164 proposals was processed as per the requirement of the channel and availability of the funds. A copy of the 164 proposals is annexed herewith and marked as **Annexure A-1**.

4. I state that the Petitioner was further informed that for the remaining proposals an agenda note has already been sent to Prasar Bharati which is to be placed before the Board Meeting. As soon as the final decision for processing the 2<sup>nd</sup>/subsequent list is taken and the funds are made available, the work order for the programme titled "Zamein Dekh, Falak Dekh, Jahan Dekh" of the Petitioner will be issued, accordingly. A copy of letter dated 24.02.2020 is annexed as





Annexure-B to the application filed by the Petitioner bearing CM Appl. No. 528/2022.

5. I state that subsequently, on 04.12.2021, a decision was taken by the CEO, Prasar Bharati to cancel all the remaining shortlisted proposals which included the programme of the Petitioner and the said decision was communicated to the Petitioner on 09.01.2023. A copy of the complete note on the subject is annexed herewith and marked as Annexure A-2.

*Chetna P.*

DEPONENT  
चेतना रायन / Chetna Raihan  
अनुमान अधिकारी / Section Officer  
प्रसारण प्रशासिकालय / DG : Doordarshan  
नई दिल्ली-110001 / New Delhi.

15 SEP 2025

VERIFICATION

VERIFIED

Verified at New Delhi on this 15<sup>th</sup> day of September, 2025. That the contents of the above affidavit are true and correct to the best of my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom.



*Chetna P.*

DEPONENT  
चेतना रायन / Chetna Raihan  
अनुमान अधिकारी / Section Officer  
प्रसारण प्रशासिकालय / DG : Doordarshan  
नई दिल्ली-110001 / New Delhi-110001

CERTIFIED THAT THE DEPONENT  
Shri/Smt./Km..... *Chetna Raihan*  
S/o, W/o, D/o.....  
R/o.....  
Identified by Shri/Smt. *Satyam Bhelwani*  
has solemnly affirmed before me at Delhi  
on *15/9/25* that the contents of the affidavit which have  
been read & explained to him are true and  
correct to his knowledge.



## **SUBMISSIONS ON BEHALF OF THE PETITIONERS**

14. At the outset, learned counsel for the Petitioners submitted that the Respondent had failed to comply with the directions as contained in the order dated 31.01.2020 passed by the learned Predecessor Bench of this Court, whereby, the Respondent was directed to consider Petitioner No. 1's programme in the category of "Animation" on merits and in accordance with the applicable guidelines and notifications, and thereafter, take a further decision within 4 weeks and communicate the same to the Petitioners.

15. Learned counsel for the Petitioners submitted that the latter's programme titled as "Zameen Dekh, Falak Dekh, Jahan Dekh" was submitted pursuant to a notification issued by the Respondent for commissioning programmes on a fixed-budget basis for DD Urdu. It was further submitted that the said programme was submitted under the category mentioned under serial No. 19 of the said notification, *i.e.*, "*A programme series based on mind boggling puzzles especially in the field of scientific research and development that generally overwhelm us intellectually, emotionally and psychologically*". It was further submitted that Petitioner No. 1 had specifically mentioned in its proposal that the said programme was being made as a tele-serial in the genre/format of Animation. It was further submitted that the said genre/category was placed at serial No. 14 in the genre wise break-up list dated 15.11.2011, and his proposal was the only one received by the Respondent under the said category. It was further submitted that the proposal was evaluated by a committee comprising three experts, all of whom assessed and recommended the same under the Animation category.



16. Learned Counsel for the Petitioners submitted that despite the aforesaid position, the Respondent while publishing the list of selected programmes in the year 2012, had arbitrarily placed the Petitioner No. 1's proposal in the category of "Fiction" at Serial No. 118. It was further contended that thereafter the Respondent had resorted to inconsistent stands regarding the categorisation of Petitioner No. 1's programme. Initially, in response to an RTI application, the Respondent had stated that the proposal had been placed in the category of "Quiz", and thereafter, upon Petitioner No. 1 pointing out that another proposal with lower marks had been selected even in that category, the Respondent changed its stand and stated that commissioning could not be granted to both the Petitioner No. 1 (through proprietor late Shri. Om Sehgal) and Petitioner No. 3, *i.e.*, son of late Shri. Om Sehgal, who had also submitted a proposal.

17. It was submitted by the learned counsel for the Petitioners that it was only pursuant to the directions issued by the learned Predecessor Bench of this Court *vide* order dated 31.01.2020, that the Respondent had placed Petitioner No. 1's/applicant's programme in the category of Animation. It was further submitted that pursuant to the said order, the Respondent issued a communication dated 24.02.2020 acknowledging that the Petitioner No. 1's/applicant's proposal had been shifted from the category of Fiction to Animation, and the same had been placed at serial No. 1 in the Animation category. However, despite the aforesaid recategorization, no consequential decision was taken by the Respondent.



18. Learned counsel for the Petitioners further contended that once the proposal stood categorised under the Animation genre, and placed at serial No. 1, the natural consequence thereof was issuance of a work order in accordance with the commissioning process. It was argued that despite repeated representations and despite the order dated 31.01.2020 directing the Respondent to take a further decision in accordance with the applicable guidelines, the Respondent had failed to take any further action towards commissioning the programme.

19. It was further submitted that Petitioner No. 1's/applicant's proposal was the only proposal approved under the Animation genre and had been placed at Serial No. 1 in the merit list. It was contended that while 164 shortlisted proposals had been granted work orders, Petitioner No. 1's/applicant's proposal had not been accorded similar treatment. It was further submitted that the Respondent, instead of taking a final decision, repeatedly informed Petitioner No. 1/applicant that the work order would be issued only upon approval of a subsequent list of proposals and availability of funds, and the said stand was arbitrary and contrary to the spirit of the order dated 31.01.2020 passed by the learned Predecessor Bench.

20. Learned counsel for the Petitioners further submitted that although the programme was placed at serial No. 1 in the Animation category, pursuant to the order dated 31.01.2020, the said decision was communicated to him only on 09.01.2023. It was contended that the conduct of the Respondent demonstrated a continuous attempt to deprive the Petitioners of the benefits arising out of commissioning process and the same was done *mala fide*.



21. It was thus submitted that the Respondent had failed to take "further decision" as directed *vide* order dated 31.01.2020, and had merely undertaken a formal recategorization exercise, without granting consequential relief.

22. Learned counsel for the Petitioners had placed reliance on the decision of the Hon'ble Supreme Court in **Indibility Creative Pvt. Ltd. & Ors. v. Government of West Bengal & Ors**<sup>1</sup>, and particularly on the following paragraphs: -

"12. From the narration of facts, it has become evident that Bhubishyoter Bhoot was released in theatres in West Bengal, both within and outside Kolkata on 15 February 2019. The release of the film was preceded a few days earlier by a letter on 11 February 2019 of the Joint Commissioner of Police (Intelligence) in the Special Branch to the producer seeking "a private screening of the movie for a few senior officials at this end at the earliest". This was because, as he described, the inputs his office had received "that the contents of the film may hurt public sentiments which may lead to political law and order issues". The film was pulled down by a majority of the theatres and out of forty eight exhibitors, only two continued to display the film. This Court has been informed by the State of West Bengal that it has not taken recourse to its powers either under the West Bengal Cinemas (Regulation) Act 1954 or the Cinematograph Act 1952. Yet, barring a couple of exceptions, all the theatre owners and exhibitors pulled the film off the radar. One of them, INOX Leisure Ltd eventually addressed a communication on 4 March 2019 to the producer stating that they were "directed by the authorities to discontinue screening" of the film "keeping in mind the interest of the guests". In this backdrop, the legitimate grievance before the Court is that absent a recourse to the exercise of statutory power, the state and its agencies have resorted to extra constitutional means to abrogate the fundamental rights of the producer, director and the viewers.

xxx

xxx

xxx

19. This leads us to the issue of relief. By the orders of this Court dated 15 March 2019 and 25 March 2019 several directions were issued to the state

---

<sup>1</sup> Judgment dated 11.04.2019 passed in W.P. (Civil) No. 306/2019



of West Bengal, 30 the Principal Secretary, Home and the Director General of Police. We maintain and confirm the directions which have been issued. We issue a Mandamus restraining the state from taking recourse to any form of extra constitutional means to prevent the lawful screening of the feature film Bhubishyoter Bhoot. The state shall specifically ensure that the properties of the theatre owners who exhibit the film are duly protected as are the viewers against attempts on their safety.

20. As a consequence of the pulling off of the film from the theatres where it was screened on 16 February 2019, the petitioners have suffered a violation of their fundamental right to free speech and expression and of their right to pursue a lawful business. This has been occasioned by the acts of commission and, in any event, of omission on the part of the state in failing to affirm, fulfill and respect the fundamental freedoms of the petitioners. We are clearly of the view that a remedy in public law for the grant of remedial compensation is required in the present case. We order and direct the respondents to pay to the petitioners compensation which we quantify at Rs 20 lakhs within a period of one month from the date of the present judgment.

21. The Writ Petition is allowed in the above terms. The petitioners shall be entitled to the costs of the proceedings quantified at Rs 1 lakh, to be paid over within one month.”

23. Learned counsel for the Petitioners submitted that the applicable Guidelines for consideration, processing and approval of commissioned Programmes for Telecast on Doordarshan Channels provided different modes for commissioning programmes, including the Single Stage Process (SSP) and the Direct Assignment Process (DAP). It was contended that even after Petitioner No. 1's/applicant's programme was placed in the Animation category, pursuant to the order dated 31.01.2020, the Respondent could have considered the same under the aforesaid modes. Learned counsel for the Petitioners further argued that there was no impediment in issuing a work order in their favour, and the Respondent ought to have exercised the powers



available under the Guidelines to commission the programme. The said modes of commissioning are reproduced as under: -

**“MODES OF COMMISSIONING**

1. Doordarshan may commission programmes in one of the following modes:

**a) Single Stage Process (SSP):** Doordarshan may invite programme proposals on identified themes/ subjects from eligible producers through advertisement and decision regarding programme assignment would be taken after evaluating the proposals received.

**b) Direct Assignment process (DAP):** Doordarshan may commission programme(s) directly from eminent Producers/ Directors/ Production Houses on such terms and conditions and in respect of such topics/ subjects as it may deem fit, in fields where these eminent producers/ directors/ production houses have a proven record.

2. Whenever it is decided to commission programmes from outside producers, DG, DG, Doordarshan (DG, DO) would decide the mode of commissioning to be followed. Direct Assignment would be done through a Committee chaired by the DG. The Committee will include the DG, Doordarshan, two Programme DDGs (including the channel manager), one outside expert to be approved by Production & Content Committee of the Prasar Bharati. The panel will be valid for a specified period. All such direct assignment will, thereafter, be submitted to the board for information.

3. The procedure for commissioning programmes under SSP is explained in the following paragraphs. The procedure for commissioning under DAP shall be determined by the Committee chaired by the DG.”

**SUBMISSIONS ON BEHALF OF THE RESPONDENT**

24. *Per contra*, learned Counsel appearing on behalf of the Respondent submitted that the directions as contained in order dated 31.01.2020 stood duly complied with. It was further submitted that the learned Predecessor Bench while disposing of the present petition, had not returned any findings of *mala fide* on the part of the Respondent. It was further submitted that



2026:DHC:5192



pursuant to the said order, Petitioner No. 1's/applicant's programme was recategorized from the category of "Fiction" to "Animation" and was placed at serial No. 1. It was further submitted that Prasar Bharti had received 580 proposals which were shortlisted for DD Urdu, and out of those, only 164 programmes have been processed as per the requirement of the channel and availability of funds. It was further submitted that the same had been duly communicated to the Petitioner *vide* letter dated 24.02.2020, which reads as under: -

PRASAR BHARATI  
(India's Public Service Broadcaster)  
DG: Doordarshan  
(DD Urdu)

(SPEED POST)

ANNEXURE B 13

F. No. 1/1/2019-UC/62

Dated: 24<sup>th</sup> February, 2020

✓ Sh. Om Sehgal  
M/s Dhruv Films, 2/11, Nehru Enclave,  
New Delhi-110019

**Subject: - WP(C) 5874 of 2019 filed by M/s Dhruv Films Vs DD Urdu in Hon'ble High Court Delhi, regarding Commissioning programme titled "Zamein Dekh, Falak Dekh, Jahan Dekh- reg.**

This is with reference to the Hon'ble Delhi High Court Order dated 31.01.2020 on the subject cited above.

Sir/Madam,

With reference to above, as per the Hon'ble Delhi High Court Order dated 31.01.2020, the programme titled "**Zamein Dekh, Falak Dekh, Jahan Dekh** of M/s Dhruv Films of DD Urdu commissioning, has been shifted from 'Fiction' category to 'Animation' category and enlisted at Serial No. 1. (copy enclosed)

2. It is pertinent to mention here that total 580 proposals were shortlisted for DD Urdu commissioning and out of these, 1<sup>st</sup> list of 164 proposals was processed as per the requirement of the channel and the availability of the funds.

3. For the remaining 421 (i.e. 416 Plus 5 proposals left over of 1<sup>st</sup> list of 164 proposals), an agenda note has already been sent to Prasar Bharati which is to be placed before the Board Meeting. As soon as the final decision for processing the 2<sup>nd</sup>/subsequent list is taken and the funds are made available, the work order for the programme titled "**Zamein Dekh, Falak Dekh, Jahan Dekh** of M/s Dhruv Films will be issued, accordingly.

Your's faithfully

Encl: As above

SikBadhan  
(Satvinder Kaur Badhan)  
Section Officer (Urdu)  
23114924

Copy for information:

- (1) Ms. Sharmila Khatri, Prog. Executive (Ops.)  
Prasar Bharati House, New Delhi- w.r.t. this office letter No. 5/1/2014-UC/201 dated 26/06/2019 regarding clearance of pending approved commissioning proposals of DD Urdu. Copy of the Court Order is enclosed.
- (2) PS to Shri P.K. Subhash ADG (P)
- (3) PS to ADG (Urdu)



25. Learned counsel for the Respondent further submitted that the proposals were invited under a time bound scheme of commissioning of the proposals of DD Urdu, which was financed by the Ministry of Information & Broadcasting, under the revenue plan funds. It was further submitted that under the said scheme 1046 proposals were received, out of which 580 proposals were shortlisted. It was further submitted that owing to financial constraints, programming requirements and limitation on slotting, only 164 proposals were processed and commissioned, on the basis of availability of funds and channel requirement.

26. Learned counsel for the Respondent further submitted that the Ministry of Information & Broadcasting had provided funds only for the said 164 proposals, and thereafter, the Ministry of Information & Broadcasting had declined to allocate funds for the remaining shortlisted proposals, on the ground that the scheme was time-bound and had already run its course. Consequently, a decision was taken by the competent authority in Prasar Bharati to cancel the remaining portion of the scheme, including Petitioner No. 1's/applicant's proposal and the said decision was further communicated to Petitioner No. 1/applicant through e-mail dated 09.01.2023, as reproduced hereinbefore.

27. Learned counsel for the Respondent further submitted that the order dated 31.01.2020 passed by the learned Predecessor Bench had only directed the Respondent to consider the Petitioner No. 1's/applicant's programme in the category of Animation and take further decision in accordance with the applicable guidelines. It was further submitted that the said order did not



direct issuance of a work order in favour of the Petitioner No. 1/applicant. Learned counsel for the Respondent had further submitted that once Petitioner No. 1's/applicant's proposal was considered in the Animation category, and a decision was taken regarding closure of the scheme, the directions issued by this Court stood fully complied with.

28. Learned counsel for the Respondent further argued that the Petitioners' reliance on the DAP and SSP modes of commissioning was misplaced. It was submitted that the Guidelines only provide the broad framework for commissioning of programmes, while the actual commissioning requirements are governed by the concerned advertisement/notification. It was further submitted that the notification in question merely specified the preferred genres/themes and did not oblige the Respondent to commission a programme in each genre. In support of the said submission, learned counsel pointed out that even in the Education category, a proposal received by the Respondent was not commissioned. It was also submitted that DD Urdu, as a matter of policy, is presently not commissioning programmes under either the DAP or SSP modes.

29. Learned counsel for the Respondent further drew attention of this Court to the Guidelines for consideration, processing and approval of commissioned Programmes for Telecast on Doordarshan Channels, to contend that the commissioning process was governed by the said Guidelines. It was submitted that the Guidelines themselves reserve discretion in favour of Doordarshan with regard to the number and nature of programmes to be



commissioned, and the relevant portion of the said Guidelines is reproduced as under: -

“5. DG, 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.”

30. Learned counsel for the Respondent further argued that the present applications as filed by Petitioner No. 1/applicant, seek a substantive direction for issuance of work order and compensation, which reliefs cannot be granted in a disposed of writ petition. It was further contended that if the Petitioners were aggrieved by the subsequent decision cancelling the scheme, then the appropriate remedy was to challenge the said decision independently, in accordance with law, and not by seeking re-adjudication of the disposed of writ petition.

### ANALYSIS

31. The present petition was filed seeking the following reliefs: -

“a) Issue writ in nature of mandamus and direct the Respondent to provide the work order for commissioning of the serial "Zameen Dekh, Falak Dekh, Jahaan Dekh" in the animation genre/format at the current prevailing rates.

b) Issue writ in nature of certiorari and quash / set aside the impugned letter / decision dated 8<sup>th</sup> April 2019 as illegal and arbitrary.

c) Pass any such further or other order that this Hon'ble Courts deems fit and proper in the facts and circumstances of the present case.”



32. As already noted hereinbefore, that the present petition was disposed of *vide* order dated 31.01.2020, thereby directing the Respondent to consider the programme of Petitioner No. 1/applicant in the category of “Animation” on merits and in accordance with their guidelines and notifications, and the decision thereupon to be informed to Petitioner No. 1/applicant within a period of four weeks. By way of the present applications, Petitioner No. 1/applicant is reiterating the initial prayer made in the present writ petition with regard to commissioning of its programme in the Animation genre/format.

33. It is pertinent to note that in response to the present writ petition, the Respondent herein had taken a categorial stand in the following terms: -

“5. Though the Petitioner had submitted a programme under the Animation category, the same was approved under the Fiction category. The approval of the Petitioner under the Fiction category was put up on the website and was known to the Petitioner. One of the reasons for approving the programme under the Fiction category was that having regard to the revenue earnings of DD Urdu Channel, a costly animation at the rate of Rs. 4.5 lakh per episode is not justified. This was a bonafide programming decision. Even if it be assumed that two views are possible on the issue, that would not warrant interference in exercise of jurisdiction under Article 226 of the Constitution of India.

34. Reliance was placed by learned counsel for the Respondent on para 5 of the Guidelines for consideration, processing and approval of commissioned Programmes for Telecast on Doordarshan Channels. The said paragraph reads as under: -

“5. DG, 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.”

35. Although the petition was disposed of by observing that the categorisation of Petitioner No. 1’s/applicant’s programme in the genre of fiction was wrong, and therefore, it was directed that the said programme be considered in the category of Animation on merits in accordance with guidelines, but there was no direction to issue a work order. It is a matter of record that initially out of 1046 proposals, a total of 580 proposals were shortlisted and out of the said 580 proposals, 164 proposals were processed across all genres. It is also matter of record that initially the programme of Petitioner No. 1/applicant was placed at serial no. 118 in the category of fiction, out of the shortlisted 580 proposals, which included other categories as well. The first list of 164 proposals was in respect of all categories/genres which have been placed on record by the Respondent alongwith affidavit dated 15.09.2025. In the category of ‘Fiction’, first 79 proposals were commissioned and at that particular point of time, petitioners’/applicants’ programme was at serial No. 118. After passing of the aforesaid order dated 31.01.2020, Petitioner No. 1/applicant was informed *vide* communication dated 24.02.2020 that for the remaining 421 proposals out of 580 proposals, an agenda note had been sent to Prasar Bharti, which had been placed before the board meeting and as soon as the final decision for processing the same is taken and funds are available, the work order will be issued accordingly.

36. By way of affidavit dated 15.09.2025, filed in pursuance of the order dated 01.09.2025, the Respondent had stated that subsequently on 04.12.2021, the decision was taken by CEO Prasar Bharti to cancel all the remaining short-



listed proposals, which included the programme of the Petitioner No. 1/applicant and the said decision was communicated to the Petitioner No. 1/applicant on 09.01.2023. A complete set of noting on the said subject was also filed alongwith the said affidavit. It is the case of the Respondent that the scheme of commissioning of proposals for DD Urdu channel was financed by the Ministry of Information and Broadcasting under the revenue plan funds. It was stated that the said Ministry had allocated funds to the approved 164 proposals. Later on, however, due to paucity of funds, the Ministry refused to allocate further funds for the remaining 421 proposals. The said refusal by the authority also recorded that “it was a time bound scheme and now it is closed.”

37. It is the case of Petitioner No. 1/applicant that initially the programme was wrongly categorised under “Fiction”, and under the genre of “Animation” his was the only proposal. Therefore, on account of wrong categorisation, Petitioner No. 1’s/applicant’s proposal was not accepted and work order was not issued. However, as pointed out hereinbefore, the categorical stand of the Respondent was that the proposal of Petitioner No. 1/applicant was considered under the genre of “Fiction” on account of the fact that the committee had taken a decision that having regard to revenue earnings of DD Urdu Channel, a costly animation at the rate of Rs. 4.5 lakhs per episode was not justified and the same was *bona fide* programming decision, which was available to them under clause 5 of the aforesaid guidelines. Moreover, the present petition with the prayer for issuing work order to the Petitioner No. 1/applicant under the category of animation, was disposed of by observing that his case be



proceeded in accordance with law, under the categorisation of “Animation” for processing his proposal under the said category.

38. It is settled law that this Court under the exercise of jurisdiction under Article 226 of the Constitution of India, would not interfere with the decisions for awarding compensation/work order and issue of writ of mandamus, directing the Respondent to issue a work order in favour of Petitioner No. 1/applicant. Once the competent authority has taken a decision based on the guidelines, in absence of any unfairness/arbitrariness in the said decision, this Court will not interfere with the same. In this regard, it would be apposite to refer to the judgment passed by the learned Coordinate Bench of this Court in **Himalayan Flora and Aromas Ltd. v. MCD**<sup>2</sup> wherein it was held as under: -

“17. It has been held time and again that Courts ought to exercise judicial restraint in respect of the decisions made by various authorities. In the absence of constitutional or legal violations, the Courts should respect the policy choices made by the authorities. If the decision is within the W.P.(C) 5350/2025 & W.P.(C) 5360/2025 Page 17 of 24 executive’s legal authority and has been made following proper procedures, the Courts ought not to interfere, even if the said decision appears unwise or imprudent. It is not the role of the Courts to question the wisdom or fairness of such decisions. Thus, in the case of *Kirloskar Ferrous Industries Limited and Another Versus Union of India and Others*, 2024 SCC OnLine SC 3192, it has been held as follows:

“xxx xxx xxx

**54. Judicial restraint is rooted in the understanding that courts should respect the decisions made by the legislative and executive branches, provided these decisions are legally sound and constitutionally valid. By adhering to judicial restraint, courts avoid overstepping their constitutional role and thereby prevent**

---

<sup>2</sup> 2025:DHC:4034



**potential conflicts with the executive and legislative branches. The principle of separation of powers supports the idea that each branch has a unique role, and mutual respect between these branches is essential for the proper functioning of the Government. The courts are to ensure that laws and policies do not infringe upon citizens' rights or exceed the authority granted by law. However, this role does not extend to evaluating whether a policy is “wise” or whether a better one could be devised, and rather this process is entrusted to the legislature and executive, which have the expertise to make these determinations.**

**55. The doctrine of judicial restraint, which is central to this discussion, emphasises that courts should exercise caution and avoid involvement in policy decisions, as these are complex judgments that require a balancing of diverse and often competing interests. Policies are crafted based on thorough analysis of social, economic, and political factors, considerations beyond the court's purview. The court is tasked with ensuring that policies do not breach constitutional provisions or statutory limits; however, they should not replace policy-makers' judgments with their own unless absolutely necessary**

56. Policy decisions often require the expertise of professionals and specialists in fields such as economics, public health, national security, and environmental science. These domains involve specialised knowledge that Judges, as generalists in legal matters, may lack. For instance, in economic policy, the executive may decide on trade tariffs or subsidies based on extensive data and projections that aim to balance domestic industry support with global trade commitments. The courts, lacking the same level of economic expertise and without the authority to make trade-offs among competing policy objectives, are typically not equipped to second-guess these kinds of decisions.

57. While courts have the power of judicial review to ensure that executive actions and legislative enactments comply with the Constitution, this power is not absolute. Judicial review is meant to act as a safeguard against actions that overstep legal boundaries or infringe on fundamental rights, but it does not entail a comprehensive re-evaluation of the policy's wisdom. The judicial review of policy decisions is limited to assessing the legality of the





39. Admittedly, after the passing of the order dated 31.01.2020, no other shortlisted programme has been approved by the competent authority. It cannot be said that only Petitioner No.1's/applicant's programme was not sanctioned and while some other programmes on the same list were sanctioned. It is also pertinent to note that the proposal of Petitioner No. 1/applicant was at best shortlisted, and that itself cannot be treated as creating a vested right for final approval of the said programme. So far as the contention of the learned counsel for Petitioner No. 1/applicant with respect to compensation is concerned, it is pertinent to note that by way of affidavit dated 09.10.2025 filed in compliance of the order dated 15.09.2025, it has come on record that decision to cancel the remaining shortlisted proposal was taken on 04.12.2021 and the Petitioner No. 1/applicant was communicated the same on 09.01.2023. It is further pertinent to note that this decision was communicated to the Petitioner No. 1/applicant upon filing of the CM APPL. 528/2022 under Section 151 of the CPC, and upon notice being issued by learned Predecessor Bench of this Court *vide* order dated 15.03.2023. There has been absolutely no explanation brought on record by the Respondent as to why the decision taken on 04.12.2021 was not communicated to the Petitioner No. 1/applicant in terms of order dated 31.01.2020.

40. In totality of the facts and circumstances, although this Court is of the considered opinion that no directions can be given to the Respondent to issue work order for commissioning of Petitioner No. 1's/applicant's programme; however, there has been unexplained delay in compliance of the order dated 31.01.2020 passed by the learned Predecessor Bench of this Court. In these



2026:DHC:5192



circumstances, the Petitioners are ordered a cost of Rs. 50,000/- to be paid by Respondent within a period of two weeks from today.

41. The applications are disposed of in the aforesaid terms.

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

**AMIT SHARMA**  
**(JUDGE)**

**JUNE 30, 2026/nk/db**