

IN THE COURT OF SUB-JUDGE/SPECIAL MOBILE MAGISTRATE SRINAGAR

Site Entertainment Network having its principal place of Business at Shitrashahi, Karan Nagar represented by its proprietor Amjad Noor S/o Noor Mohammad Mir R/o B.K. PORA, Nowgam ... (Plaintiff)

Through: None present.

Versus

1. Jio Star India Private Limited a Company incorporated under Companies Act, 2013 Having its Registered Office at: Star House, Urmi Estate, 95, Ganpatrao Kadam Marg, Lower Parel (West), Mumbai, Maharashtra - 400013
2. M/S Take 1 JK Media Pvt. Ltd. A Company incorporated under Companies Act, 2013 Having its Office at: 1st and 2nd Floor, Satyam Resort Building, Near Marble Market, Trikuta Nagar, Jammu, District Jammu, J&K - 180011
3. Ashiq Hussain Wani S/O Late Ghulam Mohammad Wani R/O Mir Bagh, Chattabal, Srinagar, District Srinagar, J&K ... (Defendants)

Through: Ld. Counsel for defendant no.1 Mr. Areeb Javaid Kawoosa

In the matter of: Civil Suit for Declaration, Permanent Injunction, Partition
And

In the matter of: Application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure (C.P.C.)

CORAM: KAMIYA SINGH ANDOTRA [JK00233]

13-04-2026

ORDER

1. Case called. None for plaintiff. Ld. counsel for defendant no.1 present. Others absent. Above titled suit came to be presented before this Court on 20-01-2026 for disposal under law by way of transfer from the Court of Worthy Principal District Judge Srinagar. Basically by way of this suit, plaintiff has stated that despite carrying on a wholly lawful, licensed and bona fide business for over more than two decades having invested enormous time, resources, infrastructure, goodwill and reputation, plaintiff has been subjected to wholly unnecessary, arbitrary, and mala fide interference by defendants. Defendants' acts have caused grave mental agony, operational paralysis, loss of business confidence and irreparable harm to plaintiff's hard-earned goodwill, compelling plaintiff to approach this Court as a matter of last resort for protection of lawful rights. Such conduct is ex-facie unjustified, disproportionate and aimed at unlawfully destabilizing a settled business rather than redressing any genuine grievance through lawful means. Plaintiff's business model is legitimate. It receives decoded signals from authorized distributors like defendant no.2 and serves subscribers. All statutory dues are paid regularly. Defendant no.1 is a major national broadcaster/distributor of Star Network channels supplying content upstream to local distributors like defendant no.2. Defendant no.2 is plaintiff's direct signal provider/distributor, receiving feeds from defendant no.1 and retransmitting to operators like plaintiff. Plaintiff maintains valid, ongoing arrangements with defendant no.2 and clears all dues regularly. Defendant no.3 is a complete outsider with no privity of contract, license or authority vis-à-vis plaintiff, yet acting as a proxy. Supply chain operates as: Defendant no.1 → Defendant no.2 (Distributor) → Plaintiff (Local Operator) → Subscribers. Critically, plaintiff has zero control over upstream signal composition— no authority to add, delete or modify channels. Any disputes over

channel carriage/channel issues must be resolved exclusively between defendant no.1 and its distributor (defendant no.2), not imposed on innocent downstream operators like plaintiff. Despite this clear demarcation, since 1st January 2026, defendants have unleashed a sinister, coordinated campaign of harassment and interference aimed at crippling and ultimately taking over plaintiff's 20-year-old network. Defendant no.1's direct aggression, repeatedly and forcefully criminally trespassing into plaintiff's office and technical installations, physically threatening staff and attempting forcible disconnection of equipment. Defendants no.1 & 2 collusively support multiple persons falsely masquerading as authorized officials of Jio Star Network (verifiable as agents/representatives of defendants no.1, 2 and/or 3) have conducted aggressive, frequent visits to plaintiff's Srinagar office daily since 01-01-2026. During these incursions, they issued ultimatums such as: Immediately shutdown your entire network or face permanent disconnection/consequences, while demanding structural changes to signal carriage that are technologically/contractually impossible for plaintiff to implement unilaterally. Plaintiff has made repeated pleas to defendants no.1 and 2: If you have any grievance regarding channel transmission/compliance, exercise your remedies at source by withholding feeds to your own distributor (defendant no.2). Do not harass or interfere with the end-distribution operator who is merely retransmitting received signals as-is. These representations (via telephone and verbal during visits) have been deliberately ignored with defendants continuing to funnel signals through defendant no. 2 while covertly supporting shutdown threats— a textbook case of collusive bad faith to engineer a forcible takeover. These acts imminently threaten total collapse of plaintiff's network serving every household in operational area, disrupting essential entertainment services to lakhs without viable alternatives.

2. Along with plaint an affidavit has been filed. Also, an application for interim relief has been filed. Perusal of file reveals that an ad-interim relief was granted to the plaintiff/applicant on 20-01-2026 by this Court and it was ordered that "parties are directed to maintain status quo on spot with respect to subject matter of suit".
3. Defendants were summoned directing them to appear before Court and to file written statement as well as objections to this application. Defendants no.2 and 3 despite service did not file written statement and objections. Defendant no.1 caused his appearance and filed a written statement wherein it is inter alia averred that present suit is wholly misconceived, vexatious, mala fide and constitutes a gross abuse of process of law, having been deliberately instituted by plaintiff with sole intent of obtaining interim protection and obstructing, stalling and frustrating lawful regulatory as well as criminal action arising out of its own illegal acts and those of defendant no.2. Plaint fails to disclose any legally enforceable cause of action whatsoever against defendant no.1, as plaintiff has neither pleaded nor produced any valid and subsisting contract, licence, interconnection agreement, authorization or statutory right in its favour vis-à-vis defendant no.1 and there exists no privity of contract between plaintiff and defendant no.1, plaintiff itself admitting that its arrangement is solely with defendant no.2. Allegations of harassment, threats, interference, trespass and coercive action are vague, bald and unsupported by any documentary material and even if taken at face value do not constitute any legally cognizable cause of action. Plaintiff has further approached this Court with unclean hands and is guilty of gross suppression, misrepresentation and concealment of material facts, including but not limited to lawful disconnection of signals of defendant no.2 w.e.f. 01-12-2025 pursuant to a disconnection notice dated 06-11-2025 on account of non-payment of dues exceeding Rs.2 crores and persistent breaches, the continued large-scale and systematic piracy and unauthorized

retransmission of defendant no.1's channels by plaintiff in connivance with defendant no.2 through illegal sourcing of feeds from DTH platforms and DD Free Dish, the unlawful carriage of DD channels carrying shared sports signals and unauthorized foreign channels including those originating from Pakistan, the issuance of multiple cease and desist notices, filing of complaints before police and administrative authorities and most critically registration of FIR No.63/2025 at police station Shaheed Gunj, Srinagar as well as pendency of parallel proceedings before TDSAT, the Hon'ble High Court and the competent civil court at Jammu. Plaintiff has deliberately withheld these material facts and has presented a false and distorted narrative to procure the ex-parte order dated 20-01-2026 thereby playing fraud upon this Court. Present suit is also a calculated device to indirectly interfere with and stall investigation in a cognizable offence which is impermissible in law as a civil court has no jurisdiction to interdict or restrain criminal investigation under the Bharatiya Nagarik Suraksha Sanhita, 2023 and to that extent the suit is barred by law. Plaintiff and defendant no.2 are acting in concert and connivance, each attempting to shift liability upon the other while continuing illegal retransmission and piracy and the suit is a collusive attempt to obtain judicial protection to continue such unlawful activities. In the absence of any enforceable legal right, in light of plaintiff's continuing illegality, suppression of material facts, abuse of process, and statutory bar, plaint is liable to be rejected under Order VII Rule 11(a) and (d) C.P.C. and the suit be dismissed in limine with exemplary costs and the ex parte order deserves to be vacated forthwith. It is emphatically denied that plaintiff is carrying on any lawful, bona fide or licensed business or that answering defendant has subjected plaintiff to any arbitrary, illegal or mala fide interference, harassment, coercion, trespass or threat of shutdown as alleged. There exists no direct contractual, legal or statutory relationship between plaintiff and defendant no.1 and plaintiff cannot claim any right against defendant no.1 merely on the basis of its arrangement with defendant no.2, whose signals stood lawfully disconnected w.e.f. 01-12-2025 due to persistent default and breaches. Despite being fully aware of such disconnection, plaintiff has continued to illegally access, downlink and retransmit channels of defendant no.1 through unauthorized means including by stealing feeds from DTH platforms such as Tata Play, Airtel DTH and Sun Direct and by unlawfully sourcing channels from DD Free Dish and has also been involved in carriage of unauthorized foreign channels, all in violation of applicable statutory and regulatory framework. It is further denied that answering defendant has authorized any person to carry out any extra-legal or coercive acts and any visits to plaintiff's premises were undertaken by competent police and administrative authorities in discharge of their statutory duties pursuant to complaints and FIR No.63/2025 lodged against plaintiff and defendant no.2. Plaintiff has deliberately mischaracterized lawful investigative and enforcement actions as a campaign of harassment or forcible takeover in order to mislead this Court and create a false cause of action. Allegations of collusion, aggression, intimidation and interference are baseless, unsupported and contrary to record and any alleged loss or disruption to plaintiff is a direct consequence of its own illegal conduct and continued piracy. Plaintiff having engaged in deliberate and continuing violations of law and having suppressed material facts is not entitled to any equitable or discretionary relief and the present suit is liable to be dismissed.

4. Heard and perused record meticulously. Despite conditional order on last date to advance arguments failing which it was to be decided on merits plaintiff chose to remain absent to argue. It is the case of the plaintiff and it was his duty to apprise the Court why ad-interim direction be made absolute or any such direction be passed in his favour. Learned counsel for defendant no.1 argued. Others absent.

5. The case of plaintiff is that despite running a lawful, licensed cable business for over two decades, defendants have engaged in a coordinated campaign of harassment, criminal trespass and unlawful interference since 01-01-2026 to forcibly disrupt and take over its network but despite conditional order to advance arguments in interim application plaintiff choose to remain absent which gives an impression that no urgency is involved and no harm/irreparable loss will be caused to plaintiff id ad-interim direction is vacated. Nevertheless, in the absence of the party/ies, it is the duty of the Court to see that justice is not compromised due to absence/negligence of any party to present/appear in his case.

6. Ld. Counsel for defendant no.1 further invited the attention of this Court to communication issued by Ministry of Information and Broadcasting, Government of India addressed to the District Magistrate/Deputy Commissioner, Srinagar. Said communication has been issued by competent authority in the Ministry taking serious cognizance of complaints regarding piracy of Jio Star channels and broadcast of banned Pakistani TV channels by M/s Take One JK Media Pvt. Ltd. The Ministry has categorically recorded that alleged acts of illegal transmission and re-transmission of unencrypted DTH signals pose a potential threat to national security and are in violation of the Programme Code prescribed under Rule 6 of the Cable Television Networks Rules, 1994 as well as the provisions of the Cable Television Networks (Regulation) Act, 1995. It is further evident from said communication that the competent authority, in exercise of powers under Section 2(i) of the Cable Television Networks (Regulation) Act, 1995, has directed District Administration to conduct an immediate inquiry into allegations and to take necessary action against erring parties including the plaintiff and its affiliates. Said document clearly demonstrates that matter has attained serious dimensions and allegations against plaintiff are not only regulatory in nature but also involve issues of national importance. Ld. Counsel for defendant no.1 relies upon the notice/complaint issued by M/s Jio Star India Private Limited addressed to plaintiff wherein it has been specifically alleged that plaintiff is engaged in illegal and unauthorized transmission/re-transmission of Jio Star Pay TV channels including premium channels such as "Star Plus HD" and "Colors HD" through unauthorized means. Said notice further records that such transmission is being carried out through DTH consumer set-top boxes and local cable operators in an unencrypted form, in blatant violation of applicable statutory regime, including Cable Television Networks (Regulation) Act, 1995, the Rules framed thereunder and the Copyright Act, 1957. Notice further highlights that post digitization, effective from 01-04-2017, transmission of pay TV channels in unencrypted mode is strictly prohibited and any such act constitutes a deliberate attempt to circumvent regulatory safeguards including transparency in subscriber declaration and compliance with the Interconnection Regulations framed by Telecom Regulatory Authority of India (TRAI). Plaintiff's conduct, as reflected in the said notice, clearly points towards systematic under-declaration of subscribers and unauthorized commercial exploitation of copyrighted content. Aforesaid documents when read in conjunction with earlier complaint dated 10-12-2025 and subsequent proceedings before Deputy Commissioner, Srinagar, unequivocally prima facie establish a consistent pattern of illegal conduct on the part of plaintiff. These documents lend independent corroboration to allegations of piracy, unauthorized retransmission and statutory violations and further demonstrate that plaintiff is facing scrutiny at multiple levels. Ld. counsel for defendant no.1 has placed reliance upon judgments of Hon'ble Courts in cases titled in **Dalip Singh v. State of U.P. & Ors.**, **Fayaz Ahmad Rather v. Union Territory of J&K and Others**, and **Mohammad Hashim Banday & Ors. v. Ghulam Mohi-ud-din Banday & Ors.** to contend that a litigant must approach the Court with clean hands and

disclose all material facts. It is argued that suppression of material facts and misrepresentation disentitle a party from any relief and such conduct is sufficient to warrant dismissal of case at the threshold. In light of these material documents, it is submitted that the plaintiff has deliberately suppressed critical facts and proceedings from this Hon'ble Court. Non-disclosure of such vital communications, particularly from Ministry of Information and Broadcasting and content owner itself, amounts to gross suppression of material facts and disentitles plaintiff from seeking any equitable relief.

7. It is trite in law that for grant of temporary injunction party seeking the same must have to establish three essential ingredients, same have been clearly reiterated by Hon'ble Supreme Court in **Seema Arshad Zaheer and others v. Municipal Corporation of Greater Mumbai and others**, (2006) 5 SCC 282 in following words: "The discretion of the court is exercised to grant a temporary injunction only when the following requirements are made out by the plaintiff: (i) existence of a prima facie case as pleaded, necessitating protection of the plaintiff's rights by issue of a temporary injunction; (ii) when the need for protection of the plaintiff's rights is compared with or weighed against the need for protection of the defendant's rights or likely infringement of the defendant's rights, the balance of convenience tilting in favour of the plaintiff; and (iii) clear possibility of irreparable injury being caused to the plaintiff if the temporary injunction is not granted. In addition, temporary injunction being an equitable relief, the discretion to grant such relief will be exercised only when the plaintiff's conduct is free from blame and he approaches the court with clean hands."
8. In **Dalpat Kumar & Anr. v. Prahlad Singh & Ors**, [(1992) 1 SCC 719] the Hon'ble Supreme Court held: "Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The Court further has to satisfy that non-interference by the Court would result in "irreparable injury" to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely, one that cannot be adequately compensated by way of damages."
9. Therefore, what can be gathered from the above law laid down by the Hon'ble Supreme Court is that the Court must be satisfied regarding the existence of each essential ingredient for the grant of interim injunction in favour of the party asking for it. Apart from this, it has been held even if all the three essentials are satisfied yet court may in its discretion refuse to grant a temporary injunction if the conduct of the party is such as to disentitle him for such equitable relief. Ref. Gujrat bottling Co. Ltd. v. Coca-Cola co., (1995) 5 SCC 545.
10. Thus, while deciding an application for grant of interim relief the Court has to look into three main ingredients which are prima facie case, balance of convenience and irreparable loss and injury. These are reproduced herein below:
 - (i) **Prima Facie Case:** The first principle for the grant or refusal of temporary injunction is whether the plaintiff/applicant has a prima facie case for injunction in his favour as against the defendant/non-applicant. It is to be borne in mind that the prima facie case is not to be confused with prima facie title which has to be established during the course of trial. A prima

facie case is only a substantial and bona fide question raised in a suit which needs investigation and a decision on merits. The party, who seeks the aid of the Court for injunction, must show that the act of the opposite party complained of, is a violation of his right and that party must show that there is a fair and bona fide dispute to be tried between the parties. If such conditions are available, the relief may be granted. It is the duty of Court to consider the material placed on record and documents produced by both the parties to find out whether there is a prima facie case to be tried or not.

(ii) **Balance of convenience:** The second principle for the grant or refusal of the temporary injunction is whether the balance of convenience for the grant of injunction lies in favour of the applicant or not. The Court while granting or refusing to grant the injunction should exercise sound judicial discretion to find out the degree of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that it is likely to cause to the other side, if the injunction is granted.

(iii) **Irreparable loss:** The third principle for the grant or refusal of temporary injunction is whether the plaintiff/applicant will suffer huge irreparable loss if the injunction is refused to him as against the non-applicant. The Court is further to be satisfied that the non- interference by Court would result in irreparable loss to the party seeking injunction and there is no other remedy available except one to grant injunction and the party seeking injunction needs protection from consequences of apprehended injury or dispossession or loss it is likely to suffer.

11. From the pleadings of the parties and the material on record, it is clear that the plaintiff's arrangement for signal distribution is solely with defendant no. 2, and there exists no privity of contract, licence, or statutory right vis-à-vis defendant no.1. Record further reveals that defendant no.2's signals were lawfully disconnected w.e.f. 01-12-2025 due to persistent non-payment of dues exceeding Rs.2 crores and multiple regulatory and police actions including FIR No.63/2025 are pending against plaintiff and defendant no.2 for unauthorized retransmission of channels and alleged piracy. Record indicates that plaintiff has approached the Court with suppressed material facts and unclean hands. It is a settled position of law that a party seeking equitable relief must act with bona fides and come to the Court with clean hands. Plaintiff has failed to show any prima facie case for grant of relief prayed in application. Also balance of convenience does not lie in his favour, having hid various facts from Court brought into knowledge by defendant no.1 (annexed with written statement like notices, termination of contract, registration of FIR, pending suit, etc.). The application lacks merit, and the interim order dated 20-01-2026 is hereby vacated. The application is disposed of and be attached with the main file.

Sd/-

(KAMIYA SINGH ANDOTRA)

**SUB-JUDGE/SPECIAL MOBILE MAGISTRATE
SRINAGAR**

Dated: 13-04-2026