

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
Mr. Justice Muhammad Shafi Siddiqui, CJ  
Mr. Justice Jawad Akbar Sarwana.

## **Constitutional Petition No.D-3654 of 2019**

Worldcall Cable (Private) Limited  
Versus  
The Federation of Pakistan and another  
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Date of hearing: 22.08.2024  
Date of Short order: 22.08.2024  
Date of Reasons: 02.09.2024

Mr. Fahad Hashmi, Advocates for the Petitioner.  
Mr. Khaleeq Ahmed, Deputy Attorney General.  
Mr. Kashif Hanif, Advocate for Respondent No.2/PEMRA.  
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## **J U D G M E N T**

**Muhammad Shafi Siddiqui, CJ.**- This petition challenges the demand for the renewal of a licence of the petitioner categorized as 'B-10'. The challenge was made on the assumption that they have subscribers upto 7000 only, and hence in terms of Table-VI<sup>1</sup>, which disclosed the fee for cable TV to be charged accordingly based upon the number of subscribers of the licensee it is to be founded on the actual number of subscribers as 'B-4' and not on the basis of licence having been categorized, separately (and an earlier) category of slab of 200,000 subscribers ('B-10').

2. On this core issue, we have heard the learned counsel and perused the material available on record.

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<sup>1</sup> Table VI is framed under Schedule-B of Rules 5, 6(2), 8 and 10 of the Pakistan Electronic Media Regulatory Authority Rules, 2009, published in Government of Pakistan, Ministry of Information and Broadcasting Notification Islamabad dated 12.12.2009 S.R.O.-1120(I)/2009 (hereinafter referred to as "the PEMRA Rules, 2009").

3. Pakistan Electronic Media Regulatory Authority [PEMRA] is a statutory body that controls and supervises electronic media houses, their content, and distribution in Pakistan and TV cable operators. It was created in pursuance of Section-3 of the PEMRA Ordinance, 2002, and Section-39 of the *ibid* Ordinance, which empowers PEMRA to frame Rules for the purposes of the Ordinance, which are made effective subject to the Government's approval. The subject before us however is a renewal fee for TV cable operators having category B-10.

4. With reference to the subject under consideration, PEMRA framed Rules, which were notified by the Federal Government on 12.12.2009, commonly called PEMRA Rules, 2009. Rule-12 enables a licensee to get his licence renewed six months prior to the expiry of the licence. As stated in the petition, petitioner's concern is that they should be charged for the renewal in consideration of the actual subscribers they have (as submitted by them to PEMRA) and not the category of licence that they enjoyed.

5. The subject is not as complicated as argued by the petitioner's counsel. The licence category comes with its duly prescribed nomenclature for subscribers. According to the PEMRA Rules, 2009, if a cable operator opts to have a licence of category described in Table-VI, this would come with its pre-prescribed package for each license category within the table which includes the number of subscribers already set for that licence, licence fee as set by PEMRA, annual renewal fee plus subscribers fee (as already set in the Table) and fee for additional Head-end in Rupees.

6. The Table-VI for cable TV for convenience is reproduced as under:-

*Table-VI  
Fee for Cable TV  
(Five years term)*

*Application processing fee for Cable TV: Rupees five thousand (Rs.5,000/-).*

S.#	Licence category*	Number of subscribers	Licence fee (in Rs.)	Annual renewal fee + Subscribers Fee**	Fee for additional Head-end (in Rs.)
(1)	(2)	(3)	(4)	(5)	(6)
1.	R	500	10,000	5,000	
2.	H	Upto 25 rooms	15,000	7,500	
3.	H-I	Upto 100 rooms	20,000	10,000	
4.	H-II	Upto 500	50,000	25,000	
5.	B	Upto 500	10,000	10,000	
6.	B-1	Upto 1,000	60,000	30,000	30,000
7.	B-2	Upto 3,000	80,000	40,000	40,000
8.	B-3	Upto 5,000	100,000	50,000	50,000
9.	B-4	Upto 7,000	150,000	75,000	75,000
10.	B-5	Upto 10,000	175,000	87,500	75,000
11.	B-6	Upto 25,000	350,000	175,000	75,000
12.	B-7	Upto 50,000	525,000	262,500	75,000
13.	B-8	Upto 100,000	875,000	350,000	75,000
14.	B-9	Upto 200,000	1,400,000	700,000	100,000
15.	B-10	Above 200,000	1,750,000	875,000	100,000

R = Rural

B = Loop holder

H = Hotel or motel or hostel or guest houses

B1 to B-10 for cable TV networks in urban areas

\*Subject to area of operation as approved in the license

\*\*Subscribers fee as determined by the Authority from time to time

Note: Tehsil level licenses are granted through bidding.

7. So for example if someone opted to have a licence, such as B-4 it would come with subscribers of upto 7000 and a licence fee of Rs.150,000, and an annusal renewal fee (subscribers fee of Rs.75,000) is to be paid according to the set number of subscribers. A change in license category will translate to a change in the pre-set number of subscribers, and so on. It is evident from the tabular slate that one cannot choose to have one category of licence with some altered subscribers. The petitioner cannot pick and choose the vertical columns of his choice. If any licence has been categorized accordingly, then all the nomenclature that it follows horizontally would come with it.

8. With this understanding, the notified Rules and the table which provides for the subscriber licensee are not found to be in violation of any rights guaranteed under the licence to the petitioner as a licensee. Further the rules are neither arbitrary nor uncertain. Hence the demand raised by the Licencing Authority as per Rules cannot be suspended or annulled and cannot be solely dependent on the number of subscribers as urged by the Petitioner. The number of subscribers would come with the category of licence being enjoyed. The petitioner chose to have a B-10 licence, and the number of subscribers would come as an inbuilt mechanism as a part of the table. The petitioner has no choice but to take it or leave it and cannot pick and choose as he desires within the table.

9. The petition as such was dismissed by a short order dated 22.08.2024, and the reasons for our short order are above.

Dated: - 02.09.2024

CHIEF JUSTICE

JUDGE

Ayaz Gul