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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 5853 OF 2025
IN
SUIT NO. 558 OF 2023

Varsha

1.

Serum Institute of India Pvt. Ltd
A private limited company registered
under the Companies Act, 1956
Having its registered office at 212/2,
Off Soli Poonawalla Road, Hadapsar,
Pune, Maharashtra – 411 028.

]
2.

Mr. Adar Poonawalla
Chief Executive Officer and
Executive Director of Serum Institute
of India Pvt. Ltd having his office
address at 212/2, Off Soli Poonawalla
Road, Hadapsar, Pune, Maharashtra-
411 028.

]
- ...

Applicants
(Orig. Plaintiffs)

]

IN THE MATTER BETWEEN:

1.

Serum Institute of India Pvt Ltd.
A private limited company registered
under the Companies Act, 1956.
Having its registered office at 212/2,
Off Soli Poonawalla Road, Hadapsar,
Pune, Maharashtra – 411 028.

]
2.

Mr. Adar Poonawalla

]

Chief Executive Officer and]
 Executive Director of Serum Institute]
 of India Pvt. Ltd having his office]
 address at 212/2, Off Soli Poonawalla]
 Road, Hadapsar, Pune, Maharashtra-] Plaintiffs
 411 028.

Versus

1. Yohan Tegra]
 having his office address at]
 ThriveTribe Wellness Solutions Pvt,]
 Ltd., S. No. 33/2P/1, 201, 301, Ek]
 Onkar Paradise, Pan Card Club]
 Road, near Beverly Hills, Samarth]
 Colony, Baner, Pune, Maharashtra]
 411 045. Email address:]
yohan@anarchyforfreedom.in]
2. Anarchy for Freedom India]
 Through Mr. Yohan Tengra]
 having his office address at]
 ThriveTribe Wellness Solutions Pvt,]
 Ltd., S. No. 33/2P/1, 201, 301, Ek]
 Onkar Paradise, Pan Card Club]
 Road, near Beverly Hills, Samarth]
 Colony, Baner, Pune, Maharashtra]
 411 045.]
3. Ambar Koiri]
 Having his address at B- 1501,]
 Runwal Heights, L.B.S. Marg,]

- | | | |
|--|---|----------------------------|
| Mulund(West), Mumbai – 400 080. |] | |
| 4. TV10 – L.I.V.E. |] | |
| Through Milind Jadhav |] | |
| https://www.youtube.com/watch?v= |] | |
| Qrkz_B3OKYE |] | |
| 5. John Doe/Ashok Kumar |] | |
| 6. Google LLC |] | |
| 1600, Amphitheatre Parkway, |] | |
| Mountain View, California, USA |] | |
| Email: support-in@google.com ; |] | |
| And |] | |
| Whistling Wood International, Film |] | |
| City Complex, Aarey Colony, |] | |
| Goregaon(E), |] | |
| Mumbai – 400 065. |] | |
| Copyright@Youtu~E.Com |] | |
| Legal@Support.Youtube.Com |] | |
| 7. X Corp |] | |
| A Company Incorporated Under |] | |
| The Laws Of the United States Of |] | |
| America, Having Its Registered |] | |
| Office At 1355, Market Street, |] | |
| Suite 900, San Francisco, Ca |] | |
| 94103. |] | |
| support@Twitter.Com ; |] | |
| Grievance-Officer-In@Twitter.Com |] | Respondents/
Defendants |

Mr. Karl Tamboly a/w. Ms. Monisha Mane Bhangale, Bijal Vora and Mr. Chandragupta Patil i/by Parinam Law Associates, for Plaintiffs and Applicants in Interim Application No.5853 of 2025.

Mr. Nilesh Ojha (through Video Conferencing) a/w. Mr. Shivam Gupta, Mr. Sumer Singh and Mr. Bhagawan Kasture, for Defendant No.1.

Mr. Minhas Joshi (through Video Conferencing), for Defendant No.6.

Mr. Mayur Khandeparkar a/w. Ms. Nupur Jalan, Ms. Sanchli Sethi, Ms. Delzeen Dastoor, Mr. Parth Munde i/by Mr. Vedchetan Patil for Defendant No.7.

CORAM : GAURI GODSE, J.

RESERVED ON : 29th JUNE 2026

PRONOUNCED ON : 29th SEPTEMBER 2026

ORDER:-

1) The original plaintiffs have filed this Interim Application seeking various mandatory injunctions to take down, remove, or delete defamatory content and videos against the plaintiffs, which were declared defamatory and directed to be removed vide order dated 5th June 2023 passed in this suit. The plaintiffs have also prayed that the video uploaded by defendant no. 1 after the said order be deleted. The plaintiffs have also prayed for mandatory injunction directing defendants nos. 6 and 7 (i) to remove any further defamatory material published, republished or circulated by

defendants nos. 1 to 5 which has been found to be defamatory by the said order, from their respective social media platforms, (ii) to take measures to ensure that such defamatory content is not uploaded in future, and (iii) to deactivate or delete or suspend the accounts of defendants nos. 1 to 4.

FACTS IN BRIEF:

2) The plaintiffs have pleaded in the plaint that plaintiff no.1 is the manufacturer of highly specialised lifesaving biological products, such as vaccines and other medical specialities. Plaintiff no.2 is the Chief Executive Officer of plaintiff no. 1. Plaintiff no.1 claims that the vaccines manufactured by plaintiff no.1 are used in around 170 countries in their National Immunization Programme, saving millions of lives throughout the world. Defendant no.1 claims to be a social media influencer and uses his YouTube channel 'Anarchy for Freedom India'. Defendant no.1 also uses his Twitter handle. Defendants nos. 2 and 3 claim to be members of the committee of the Awaken India Movement and have been seen in the defamatory videos. Defendant no. 4 is an online news portal that reshared the alleged defamatory content uploaded by defendant no. 3. Defendant

no. 5 is described as John Doe/Ashok Kumar, who is unknown to the plaintiffs and is creating and publishing the offending material. Defendant nos. 6, i.e. Google LLC, and 7, i.e. X Corp, are the intermediaries whose social media platforms are used by defendant nos. 1 to 3.

3) The suit is filed for a mandatory injunction restraining defendant nos. 1 to 5 from publishing, circulating, or communicating any derogatory and defamatory statements and videos as described in Exhibits E to K, or in a like manner, in any medium, including television, print media, internet, or WhatsApp. The plaintiffs have prayed for a mandatory order directing defendant nos. 1 to 5 to remove the alleged defamatory videos and contents. The plaintiffs have further prayed for Rs. 100 Crores as compensation and damages against defendants nos. 1 to 5 for the alleged defamatory statements. The plaintiffs have also prayed for an injunction restraining defendants nos. 6 and 7 from publishing such defamatory videos and content, and further directing them to remove the alleged defamatory videos and content, ensure that such content is not published in future, and delete/suspend the accounts of defendants nos. 1 to 5.

4) The application for interim relief filed by the plaintiffs in this suit was allowed on 5th June 2023, and this Court restrained defendants nos. 1 to 5 from publishing or circulating defamatory videos and contents as described in Exhibits E to K, or of a like nature, through any medium, including television, print media, internet, or WhatsApp. Defendants nos. 1 to 5 are further directed to remove and delete the alleged defamatory videos and contents and issue an unconditional apology. According to the plaintiffs, defendants nos. 1 to 5 have not complied with the said order. The plaintiffs allege that, in defiance of the injunction granted by this Court, defendant no. 1 published a further video on the same night of 5th June 2023, stating that he would not comply with the order because the order is illegal and does not bind him. The transcript of the video is reproduced in paragraphs 11.11 and 11.12 of the present application and is annexed as Exhibit 'E'.

5) The plaintiffs therefore issued a take-down notice dated 9th June 2023, calling upon defendant no. 6, 'Google LLC ', and defendant no. 7, 'X Corp ', to take down defamatory content and videos in compliance with the order passed by this court. A copy of the take-down notice was also sent to defendants nos. 1 to 4.

Defendant no. 6 has taken down the contents. The plaintiffs have pleaded that defendant no. 3 replied to the take-down notice by stating that the order is obtained by fraud and that defendants nos. 6 and 7 are not directed to remove the content. Defendant no. 6 has removed the objectionable content. Defendant no. 7, by reply dated 10th June 2023, refused to comply with the request on the ground that the said order is not issued against defendant no. 7. Hence, the present application is filed.

SUBMISSIONS ON BEHALF OF THE PLAINTIFFS:

6) Learned counsel for the plaintiffs submitted that the originator of the defamatory content must remove it in view of Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“the said Rules”). He submits that under the said Rules, an intermediary is obligated to remove objectionable content upon receiving actual knowledge in the form of an order by a court of competent jurisdiction. The said Rule granted 36 hours to comply with the directions and has now been amended to 3 hours.

7) Learned counsel for the plaintiffs relied on this Court's decision in ***DBS Bank India Ltd. v. John Deo(s)/Ashok Kumar(s) and Ors***¹ ("***DBS Bank***"). According to learned counsel for the plaintiffs, this Court held that Part II of the Intermediary Rules squarely governs intermediaries and requires them to exercise due diligence while discharging their duties. According to him, this Court also held that it is unacceptable for an intermediary to contend that it will act only upon a court order confined to a specifically identified target, and that the Rules create an obligation to act upon information brought to its notice.

8) For a similar proposition, learned counsel for the plaintiffs relied upon this Court's decision in the case of ***Akshay Hari Om Bhatia Vs John Doe and Others*** ("***Akshay Bhatia***") and the Delhi High Court's decision in ***Himayani Puri Vs. Mr. Kunal Shukla and Ors***² ("***Himayani Puri***"). He submits that in ***Akshay Bhatia***, the Delhi High Court evolved a mechanism by directing the intermediaries to take down the content, subject to their right to communicate objections to such removal. He submits that in ***Himayani Puri***, the Court granted

1 2026:BHC-OS:11083

2 CS(OS)210/2026, IA. 6659/2026, I.A. 6660/2026, I.A. 6661/2026 & I.A. 6662/2026, Order dt-17.3.2026

the plaintiff liberty to notify subsequently discovered identical URLs, which the intermediaries shall act upon.

9) Learned counsel for the plaintiffs submits that the content of the videos uploaded by defendant no.1 is held to be unlawful by order dated 5th June 2023. Hence, the videos and content of a like nature are also directed to be removed. Accordingly, defendant no. 1 is obligated to comply with the orders. However, in the absence of defendant no.1 complying with the directions passed by this court, defendant no. 7 is obligated to remove the objectionable contents as ordered by the Court, in view of Rule 3 of the said Rules. He submits that instead of complying with the directions issued by this court, defendant no. 1 has uploaded a fresh video on the same day stating that he will not comply with the order. He submits that the order dated 5th June 2023 subsists and is binding on defendants nos. 1 to 5. In view of blatant defiance by defendant no. 1, it is necessary to direct defendant no. 7 to delete the objectionable contents.

SUBMISSIONS ON BEHALF OF DEFENDANT NO. 7:

10) Learned counsel for defendant no. 7 submitted that defendant no. 7 only provides a platform and is not the originator of

the objectionable post. Since defendant no. 1 has not deleted the post and has failed to comply with the order for the last three years, defendant no. 1 can be held in contempt of this Court's order. However, the plaintiffs have failed to initiate any contempt proceedings and instead have sought prayers against defendant no. 7. He submits that any such directions against defendant no. 7 would amount to a proxy battle with defendant no. 7, despite the plaintiffs having an equally efficacious remedy against defendant no.1.

11) With reference to the said Rules relied upon by the plaintiffs, learned counsel for defendant no. 7 submits that the definitions of "originator" and "intermediary" under the Information Technology Act, 2000 ("the IT Act") distinguish liability to the originator of the content, not to the intermediary. He relied upon the legal principles settled by the Hon'ble Apex Court in *Shreya Singhal V/s Union of India*³ ("*Shreya Singhal* "). He therefore submitted that the order dated 5th June 2023 would not constitute actual knowledge of defendant no. 7, as explained by the Hon'ble Apex Court in *Shreya Singhal*. According to the learned counsel for defendant no.7 "actual knowledge" means a court order that specifically directs an intermediary to take down specified URLs. He submits that the Apex Court has clearly held that the intermediary cannot be compelled to

3 (2015) 5 SCC 1

exercise a judicial function to determine whether posts are defamatory under the law. Hence, no such directions as prayed in the application can be issued against defendant no. 7.

12) Learned counsel for defendant no. 7 submitted that this Court in *Sanu Bhattacharjee Vs Rita Bhattacharya*⁴ ("*Sanu Bhattacharjee*") took a view that any general direction for the intermediary to remove or delete the objectionable content would effectively require the intermediary platforms to assume the role of an adjudicator, which is impermissible and contrary to the statutory framework governing intermediaries under Section 79 of the IT Act. It is further held that determining whether content is defamatory falls within the judicial domain, and thus directions by a court must necessarily be confined to identifiable material considered by the court.

13) Learned counsel for defendant no. 7 submitted that in *Google India Pvt. Ltd. Vs Visaka Industries*⁵, the Apex Court held that the safeguard provided in *Shreya Singhal* is to avoid a chilling effect on free speech, and if a contrary view is taken, the intermediaries would stand elevated to the status of super censors. He also relied

4 2026: BHC-OS:6104

5 (2020) 4 SCC 162

upon the Apex Court's decision in *Wikimedia Foundation Inc. v. ANI Media (P) Ltd.*⁶ ("*Wikimedia Foundation*"). He submitted that the Apex Court set aside the High Court's order granting a wide injunction to remove all false, misleading, and defamatory content that could tarnish the plaintiff's reputation. The Apex Court held that an overly wide injunction against the intermediary is not capable of implementation.

14) According to the learned counsel for defendant no. 7, in the earlier application the plaintiffs had also prayed for an injunction against defendant no. 7; however, the order was passed only against defendants nos. 1 to 5. Hence, the prayer against defendant no. 7 stands rejected. Therefore, now the plaintiffs are not entitled to seek similar relief by filing a fresh application. To support his submissions, learned counsel for defendant no. 7 relied upon the decision of the Apex Court in case of *Yashwant Sinha and Ors Vs. Central Bureau of Investigation through its Director and Anr*⁷ ("*Yashwant Sinha*").

15) Learned counsel for defendant no. 7 referred to this Court's Order dated 6th April 2026 passed in defendant no.1's application for rejection of plaint. In his application, and in his arguments, defendant

⁶ (2025) 10 SCC 353

⁷ 2020 (2) SCC 338

no. 1 and his counsel attacked the integrity of the learned Single Judge who passed the Order dated 5th June 2006. Hence, this Court, vide Order dated 6th April 2026, called upon learned counsel for defendant no. 1, as well as the defendant who affirmed the application, to explain why proceedings for committing contempt of court should not be initiated.

16) Learned counsel for defendant no. 7 submitted that the plaintiffs must avail themselves of the contempt process against defendant no. 1 instead of waging a proxy battle with an intermediary.

SUBMISSIONS ON BEHALF OF DEFENDANT NO. 1:

17) Learned counsel for defendant no.1 raises a preliminary objection on the maintainability of the application. According to him, the applicant seeks enforcement of the order dated 5th June 2023. The very fact that the plaintiffs remained silent and inactive for nearly three years from the date of the order, and have now filed this application, shows that the ground raised in the application is not genuine. Learned counsel for defendant no.1 submits that it was only after defendant no.1's application under Order VII Rule 11 of the Civil

Procedure Code, 1908 ('CPC') was listed before the court, requesting rejection of the plaint at the threshold, that the plaintiffs have pressed for prayers in the present application. According to learned counsel for defendant no. 1, the application under Order VII Rule 11 of the CPC must be heard first.

18) Learned counsel for defendant no. 1 submits that the present application is filed on assumption, without making out any ground to file an application with similar prayers, which this Court earlier rejected. Hence, before permitting enforcement of the order dated 5th June 2023, this Court should adjudicate and decide the preliminary objections raised by defendant no. 1 relating to jurisdiction and maintainability of the suit.

19) Learned counsel for defendant no. 1 submitted that the order dated 5th June 2023 is a nullity due to non-disclosure of material facts about the close family and professional association between the plaintiffs and the family of the learned Single Judge who passed the said order dated 5th June 2023. He therefore submits that the order gives rise to a reasonable apprehension of bias. Learned counsel for defendant no. 1 therefore submits that the plaintiffs are not entitled to any relief as claimed in the present application. Learned counsel for

defendant no. 1 therefore submits that the present application is not maintainable for the enforcement of the order dated 5th June 2023. According to the learned counsel for defendant no. 1, the application under Order VII Rule 11 of the CPC must be decided before passing any order in any other application.

SUBMISSIONS IN REJOINDER ON BEHALF OF THE PLAINTIFFS:

20) Learned counsel for the plaintiffs submitted that the prayer against defendant no. 7 was never considered; hence, not granting an injunction in the earlier application would not amount to rejection. The principles of res judicata apply only when a judgment and decree is passed and do not apply to decisions on interim applications. In the earlier application, there was no adjudication on merit on the prayer against defendant no. 7; hence, there is no bar to entertain the present application.

21) Learned counsel for the plaintiffs submits that in ***Shreya Singhal***, the Apex Court has read down Section 79(3)(b) of the IT Act and the then prevailing Rule 3(4) of the said Rules. The said provision is interpreted to mean that an intermediary must expeditiously remove

or disable access to unlawful material upon receiving actual knowledge, through a court order, that such material is to be removed. Thus, the said order, coupled with the takedown notice issued on 9th June 2023, squarely constitutes knowledge as contemplated under the said Rules. In view of defendant no. 7's refusal to remove the objectionable contents, the plaintiffs were constrained to file this application.

22) In view of the legal principles settled by the Hon'ble Apex Court, learned counsel for the plaintiffs submits that, upon being made aware of the order, it would be obligatory upon the intermediary, i.e., defendant no. 7, to act on the said order. Since defendant no. 1 has added further defamatory content, the same also needs to be removed, as this Court directed that the particulars of the objectionable content referred to in Exhibits E to K and any like content were also to be removed. Learned counsel for the plaintiffs therefore submits that in view of the well-settled legal principles, defendant no. 7 is under obligation to remove the objectionable content. Since defendant no. 1 has blatantly defied the order passed by this Court, necessary directions must be issued directing defendant no. 7 to remove the objectionable content.

ANALYSIS AND CONCLUSIONS:

23) I have perused the papers of the suit and the present application. By order dated 5th June 2023, this Court decided the plaintiffs' Interim Application (L) No. 33254 of 2022. This Court considered the allegations in detail and held that the contents published by defendants nos. 1 to 5 were objectionable and required to be removed. After examining the alleged defamatory contents, this Court has passed an injunction restraining defendants nos. 1 to 5 from posting any defamatory contents and also issued directions to delete the objectionable posts.

24) In *Yashwant Sinha*, relied upon by the learned counsel for defendant no. 7, the Hon'ble three-judge Bench of the Apex Court decided an application seeking correction in a judgment, a review petition in a criminal public interest petition and a contempt petition. The Court allowed the application for correction, dismissed the review petition, and disposed of the contempt petition. In a concurring judgment dismissing the review petition, one of the Hon'ble Judges of the Bench held that if a decree is silent as to any relief claimed by the plaintiff, Explanation V to Section 11 of CPC declares that the relief

must be treated as declined. It is further held that just as, in the case of a judgment, where the applicable statute, not being applied, would result in a judgment that becomes amenable to correction in review, there is no reason why, when a binding judgment is ignored, it should have a different consequence. Thus, the observations on Explanation V in Section 11 of the CPC are in the context of the proposition that when a superior court lays down the law by reversing an earlier decision on a question of law, it will not be a ground for the review of a judgment.

25) In *Prem Kishore*, the Apex Court held that the general principle of *res judicata* under Section 11 of the CPC contains rules of conclusiveness of judgment, but for *res judicata* to apply, the matter directly and substantially in issue in the subsequent suit must be the same matter which was directly and substantially in issue in the former suit. It further held that the suit should have been decided on merits and the decision should have attained finality.

26) In the present case, by Order dated 5th June 2023 in Interim Application (L) No. 33254 of 2022, an injunction was granted against defendant nos. 1 to 5 to remove the objectionable content. The prayer for issuing directions against defendant no. 7 was not dealt

with and was not granted. Defendants nos. 1 to 5 have not complied with the order, and the objectionable content has not been removed. Defendant no. 1 has republished the objectionable content and also said that he will not comply with the order. Despite informing defendant no. 7 to remove the objectionable content as directed by this Court, defendant no. 7 has refused to remove it for want of any specific court directions against defendant no. 7 to remove the content. Hence, the present application is filed in view of the events that occurred after this Court passed the order to remove the objectionable content. Thus, the prayers in the present application arise from a different cause of action, which did not arise in the earlier application. The issues in the suit have not been finally adjudicated, and the earlier directions are interim. Hence, res judicata will not apply to the present application.

27) In *Shreya Singhal*, the Hon'ble Apex Court dealt with the challenge to the constitutional validity of Section 66-A of the IT Act. The Hon'ble Apex Court discussed the Information Technology Act and the said Rules in detail. The Apex Court read down Section 79(3) (b) to mean that the intermediary, upon receiving actual knowledge that a court order has been passed asking it to expeditiously remove

or disable access to certain material, must then expeditiously remove or disable access to that material. The Hon'ble Apex Court further explained that the knowledge referred to in the said sub-rule must be through the medium of a court order. Thus, except for the said clarification granted, the Hon'ble Apex Court declared the Rules valid. The Hon'ble Apex Court therefore summarised the legal principles in paragraph no. 124, which reads as under:

"124. In conclusion, we may summarise what has been held by us above:

124.1. Section 66-A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

124.2. Section 69-A and the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 are constitutionally valid.

124.3. Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relatable to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly, the Information Technology "Intermediary Guidelines"

Rules, 2011 are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment.

124.4. Section 118(d) of the Kerala Police Act is struck down being violative of Article 19(1) (a) and not saved by Article 19(2)."

28) Learned counsel for the plaintiffs interpreted the Apex Court's judgment to mean that once the court order directing deletion or removal of objectionable content is brought to the intermediary's notice, the intermediary must remove it. However, learned counsel for respondent no. 7 interpreted it to mean that the obligation on the intermediary arises only when the court order has been passed asking the intermediary to remove the objectionable content.

29) In ***Akshay Bhatia***, this Court directed intermediaries to take down, remove, and disable access to all listings that exploit/misuse the plaintiff's indicia, including the plaintiff's screen name. In ***Himayani Puri***, the Delhi High Court directed the intermediaries to remove and block access to the objectionable content. The plaintiff was permitted to inform the intermediaries of any subsequently discovered URL containing similar objectionable content and directed the

intermediaries to act upon such information. If there was any doubt whether the information fell within the scope of the subject matter of the suit, the intermediaries were granted liberty to apply for clarification.

30) In ***DBS Bank Ltd.***, this Court decided an application for an injunction in a suit for passing off and misusing or misrepresenting the plaintiff's corporate name. This Court referred to Rule 3(1)(b) of the said IT Rules and held that it is the duty cast upon the intermediaries to take all responsible efforts by themselves to ensure compliance with the duties which are set out in Rule 3. It is therefore held that the said Rules also provide that the intermediary may develop appropriate safeguards to avoid misuse by users; therefore, it was unacceptable that the intermediary could act only if there is an order of a court of competent jurisdiction in respect of a specified group. This Court recorded that the learned counsel for the intermediary, that is, WhatsApp, had taken a fair stand that compliance with the Intermediary Rules is non-negotiable. Hence, this Court further observed that it was not necessary to file an interim application or affidavit to seek interim relief on a case-to-case basis once future links are identified. Accordingly, this Court granted an injunction

restraining the defendants from misusing or misrepresenting the plaintiff's corporate name and further directed the intermediaries to act within the timelines envisaged under the said IT Rules for receiving a complaint from the plaintiff and accordingly remove and take down and disable the dubious profiles or social media groups as specified in the application. This Court also directed that, subject to the plaintiff giving an undertaking, the intermediaries shall act on the information provided, subject to the intermediary's right to communicate, with reasons, any objection to the removal as requested by the plaintiff. The directions were issued to prevent a passing-off action by misusing the plaintiff's corporate name.

31) The Apex Court in *Wikimedia Foundation* set aside the High Court's Order issuing wide directions to the intermediary to remove all the objectionable content that would tarnish the plaintiff's reputation. However, with reference to Section 79 of the IT Act, it held that the Court was not inclined to examine that aspect of the matter, as it may have a bearing on the proceedings of the pending suit.

32) In *Google India*, the Apex Court held that any view contrary to *Shreya Singhal* would elevate the intermediaries to the status of

super censors. In *Sanu Bhattacharjee*, this Court held that determining whether content is defamatory falls within the judicial domain; thus, a court's directions must be confined to identifiable material considered by the court.

33) In the present case, the suit is for a mandatory injunction restraining defendants nos. 1 to 5 from publishing or circulating any derogatory and defamatory statements against the plaintiffs in any medium, including television, print media or any other platform. The plaintiffs have prayed for damages for the defamatory statements. In this suit, by way of an interim relief, an injunction has already been granted in favour of the plaintiffs, restraining defendants nos. 1 to 5 from publishing or circulating the objectionable content and further directing them to remove it and also tender an apology. Since defendants nos. 1 to 5 did not comply with the directions, and defendant no. 1 has also republished the objectionable content, the present application is filed seeking directions against defendant no. 7, that is, X Corp, as the intermediary, to remove the objectionable content. In addition to removing the objectionable content, the plaintiffs have also prayed for a direction against defendant nos. 6 (Google) and 7 (X Corp), that is, the intermediaries, to take all steps

and measures necessary to ensure that defendants nos. 1 to 5 are not in a position to upload any defamatory material. The plaintiffs have also prayed for a direction against defendants nos. 6 and 7 to deactivate, delete, and suspend the accounts of defendants nos. 1 to 4 on the respective social media platforms.

34) The suit includes two prayers against defendants nos. 6 and 7. The first prayer is for a mandatory injunction directing defendants nos. 6 and 7 from republishing, reproducing, circulating, sharing, or communicating any derogatory and defamatory content against the plaintiffs, as mentioned in Exhibits E to K, or any like nature, in any medium, including television, print media, or the internet. However, there is no allegation that defendants nos. 6 and 7 are publishing or circulating any objectionable content. Defendants nos. 6 and 7 are added as intermediaries whose platforms defendants nos. 1 to 5 are using to publish the objectionable content. The second prayer against defendants nos. 6 and 7 seeks a mandatory injunction to remove, delete, and take down the objectionable content; ensure that no such objectionable content is published in the future; and suspend and delete the accounts of defendants nos. 1 to 5.

35) It is undisputed that the directions issued by this Court in the earlier application have not been complied with, and that the objectionable content is still available on the social media platform of defendant no. 7. It is also undisputed that defendant no. 1 has uploaded a new video on the same night when the injunction was granted by this Court in the earlier application. Thus, the fresh video uploaded by defendant no. 1 is not only in blatant defiance of the order passed by this Court, but he also states that he will not comply with the directions of the Court and that he would not stop calling plaintiff no. 2 “a mass murderer”.

36) Section 79 of the IT Act exempts intermediaries from liability if they fulfil the conditions of the section. Sub-rule (3) provides that the exemptions provided in sub-section (1) shall not apply if, upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner. In the present case, no such directions are issued directing defendant no. 7 to remove the objectionable content. There are no

allegations against defendant no. 7 except for stating that defendant no. 7 refused to remove the objectionable content that is declared by this Court to be defamatory. Thus, defendant no. 7 cannot be held liable for the objectionable content not removed by defendants nos. 1 to 5 or for the new content uploaded by defendant no. 1.

37) In *Shreya Singhal*, the Apex Court held that Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary, upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relatable to Article 19(2) are going to be committed, then fails to expeditiously remove or disable access to such material. It is similarly held that the said Rules are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment. The unamended Rule 3(4) of the said Rules read as under:

“(4) The intermediary, on whose computer system the information is stored or hosted or published, upon obtaining knowledge by itself or been brought to actual knowledge by an affected person in writing or through e-mail signed with electronic signature about any such information as mentioned in sub-rule (2) above, shall act within

thirty-six hours and where applicable, work with user or owner of such information to disable such information that is in contravention of sub-rule (2). Further the intermediary shall preserve such information and associated records for at least ninety days for investigation purposes."

38) When the present application was filed in June 2023, the said Rules were amended. The plaintiffs have referred to the amended Rules, which changed the wording regarding the duty to act on obtaining knowledge, by providing that the intermediary shall remove or disable access to the information, not later than 36 hours from the receipt of the court order or on being notified by the appropriate government or its agency. Recently, the said Rules have been further amended. The amended Rule 3(1)(d) of the said Rules now provides that, upon receiving actual knowledge under Section 79 (3)(b) of the IT Act, remove or disable access to such information within three hours of the receipt of such actual knowledge, and such actual knowledge shall arise only by an order of a court of competent jurisdiction or a reasoned order in writing by the appropriate government or its agency. In view of the well-settled legal principles discussed above, knowledge of prohibited content means an order

passed by a court of competent jurisdiction or the appropriate government, directing the intermediary to remove or disable access to such information within three hours of receipt of such order.

39) Thus, the object of the legal framework under the IT Act and the said Rules is to remove or disable access to prohibited content published, uploaded, or stored by the originator by following the prescribed procedure. Therefore, even if the intermediary is exempted from liability for any third-party information, data or communication link made available or hosted by the intermediary, necessary directions to the intermediary can be issued to remove the unlawful or prohibited content; however, such directions can be issued by the Court of competent jurisdiction in respect of identifiable content that is considered by the court and held to be objectionable or unlawful. The legal principles settled by the Apex Court in the decisions relied upon by the learned counsel for defendant no. 7, as discussed above, show that the consistent view taken by the Apex Court is that a general and wide direction cannot be issued asking the intermediary to remove the originator's content that will place the intermediary in the place of an adjudicator or censor. Thus, the consistent view is that directions to the intermediary to remove or

delete or disable access to the originator's contents must be in respect of identifiable material considered by the court of competent jurisdiction. Therefore, the observations by the learned Single Judges of this Court and the Delhi High Court in the decisions relied upon by the plaintiffs are in the facts of those cases and would not assist the plaintiffs' prayers seeking wide directions against defendants nos. 6 and 7 other than the identifiable material.

40) In the present case, this Court has already declared the contents uploaded by defendants nos. 1 to 5 objectionable and defamatory, as described in the plaint. Despite this Court's directions to remove the objectionable content and restrain defendants nos. 1 to 5 from publishing it, defendant no. 1 has not only blatantly defied the directions issued by this Court but has also refused to remove the objectionable content. Defendant no. 7 has refused to remove the objectionable content only on the ground that no specific directions were issued to defendant no. 7 to remove the objectionable content.

41) The fresh video uploaded by defendant no. 1 repeats the objectionable content and states that defendant no. 1 would defy the directions issued by this Court. Therefore, all three golden principles of prima facie case, irreparable loss and balance of convenience are

in favour of the plaintiffs. Considering the subsequent circumstance of defendant no. 1 uploading the video and repeating the objectionable content, and stating that he shall not comply with the order passed by the Court, sufficient grounds are made out to exercise the discretionary jurisdiction of this Court under Order XXXIX Rule 2 of the CPC to direct defendant no. 7 to remove, delete or disable access to the fresh video uploaded by defendant no. 1 as prayed in paragraph 17(b) of the present application. An interlocutory mandatory injunction can be granted to preserve or restore the status quo before the controversy in the suit until the suit is finally decided. Thus, a mandatory injunction must be granted to compel the undoing of acts done illegally by defendant no. 1.

42) The prayers in paragraph 17(c) and (d) are too wide. As discussed above, a legal principle is that relief directing an intermediary to remove or disable access to defamatory or objectionable material must be identifiable. An intermediary cannot assume the role of an adjudicator or censor. Therefore, intermediaries cannot be directed to control the originator's activities. Hence, the prayers in paragraph 17(c) and (d) cannot be granted. The prayer in paragraph 17(e) is also the final relief in the suit; hence,

a drastic relief to deactivate, delete or suspend the accounts of defendant nos. 1 to 4 cannot be granted at this stage.

43) So far as the prayer for a mandatory injunction, directing defendant no. 7 to delete the objectionable content that was the subject matter of the earlier application, the same prayer, though made, was not granted by this Court. Defendant no.1 contended that he had filed an application to recall the earlier order. By Order dated 31st July 2023, the Interim Application (L) No. 15587 of 2023 filed by defendant no. 3 to review the order dated 5th June 2023 is dismissed as withdrawn. Nothing is shown that defendant no. 1 challenged the order by filing an appeal, or that the earlier order was recalled or set aside. Thus, the injunction granted by the Order dated 5th June 2023 subsists and is enforceable. Therefore, under Section 36 read with Section 51 of the CPC, the plaintiffs are entitled to have the said injunction order executed and enforced by adopting the appropriate procedure under law. Hence, so far as prayer in paragraph 17(a) is concerned, the plaintiffs' right to adopt appropriate proceedings in accordance with the law is kept open.

44) Order XXXIX Rule 2A of the CPC provides for the consequences of disobedience or breach of injunction. Sub-rule (1) of

Rule 2A of Order XXXIX of CPC provides that in case of disobedience of an injunction granted, the Court granting the injunction or any Court to which the suit or proceeding is transferred may order the property of the person guilty of such disobedience or breach to be attached, and also order that such person be detained in the civil prison. In the present case, admittedly, defendant no. 1 has disobeyed the injunction granted vide Order dated 5th June 2023. Hence, this Court must initiate action for disobedience.

45) The conduct of defendant no. 1 and his advocate in repeatedly attacking the integrity of the learned Single Judge who passed the order dated 5th June 2023, and making baseless allegations and derogatory remarks, cannot be ignored. By Order dated 6th April 2026 passed in Interim Application No. 5434 of 2025 in this Suit, the learned counsel for defendant no. 1 as well as the defendant who had affirmed the application making the derogatory remarks and the advocate on record were called upon to explain as to why proceedings for contempt of court should not be ordered to be initiated for making baseless allegations and derogatory remarks against the learned Single Judge and expressing distrust. Instead of filing an affidavit in response to the said order, defendant no. 1 and

his arguing counsel have repeated the allegations in this application. Even in paragraph 28 of the written submissions dated 3rd July 2026 on behalf of defendant no. 1 tendered in the present application, similar contemptuous allegations are made. It thus appears that defendant no. 1 and his advocates are habituated to making baseless allegations and derogatory remarks. In the transcript of the fresh video of defendant no. 1 as reproduced in Exhibit 'E' of the present application, defendant no. 1 has repeated the allegations and said that even negative publicity, and the fact that the media is covering it, is good for him as his name is being mentioned in the media. It is unfortunate that sometimes the parties and their advocates, instead of following the procedure known to law, engage in making bald, baseless and derogatory remarks against other parties and the judges. Such conduct may result in ignoring the main cause and, in a given case, may defeat a genuine cause. Hence, such conduct needs to be deprecated.

46) In *Wikimedia Foundation*, the Apex Court observed that, ***"41. Definitely, if a member of the public or a litigant or for that matter even the media tries to scandalise the court by making sweeping unfounded allegations against the court or the Judge(s) or by***

imputing motives against the Judge or Judges who had passed a judicial order or had conducted the court proceedings, certainly the courts would be justified to initiate criminal contempt proceedings against such contemnors. This would also be a ground to direct postponement of publication as contempt of court is a reasonable restriction enumerated under Article 19(2) on the freedom of speech and expression under Article 19(1)(a)." It is further held that those who offer criticism should remember that Judges cannot respond to such criticism, but if a publication scandalises the court or a Judge or Judges and a case of contempt is made out, courts should certainly take action.

47) Hence, it is clarified that the allegations repeated in the present application by defendant no. 1, his arguing counsel, and the advocate on record, in the affidavit-in-reply dated 28th July 2023, during oral arguments and written submissions dated 3rd July 2026 shall be dealt with in Interim Application No. 5853 of 2025 pending in this suit in terms of the Order dated 6th April 2026 passed therein.

48) Therefore, the following directions are issued:

a) Defendant no. 7 is directed to take down or remove or delete the video uploaded by defendant no. 1 as described in prayer clause 17 (b).

b) Issue show cause notice to defendant nos. 1 to 4 as to why action under Order XXXIX 2A of the CPC should not be initiated for defying the order dated 5th June 2023. The show cause notice is made returnable on 27th October 2026.

49) The interim application is partly allowed in the above terms.

50) List the show-cause notice on 27th October 2026 before the Court as per the assignment.

(GAURI GODSE, J.)