



\$~33

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

+ **CS(COMM) 742/2025 & I.A. 17663-69/2025**

UPGRAD EDUCATION PRIVATE LIMITED

.....Plaintiff

Through: Mr. Gaurav Pachnanda, Sr. Advocate
with Mr. Mohit Goel, Mr. Sidhant
Goel, Mr. Deepankar Mishra, Mr.
Kartikeya Tandon and Ms. Nikita
Jaitley, Advocates

versus

LAVANGIRI ANSAR BASHA AND ORS

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

25.07.2025

I.A. 17666/2025 (for extension of time for filing of court fees)

1. This application under Section 149 of the Code of Civil Procedure, 1908 ['CPC'] has been filed by the plaintiff seeking extension of time for filing of Court fees.

2. Learned counsel for the plaintiff states that the Court fees has already been applied for and shall be filed within one (1) week.

3. The time sought for is granted, failing which the consequences of Order VII Rule 11(b) CPC shall follow.

4. In view of the aforesaid, this application is disposed of.

I.A. 17667/2025 (for seeking exemption from pre-institution mediation)

5. This is an application under Section 12A of the Commercial Courts



Act, 2015 read with Section 151 of the Code of Civil Procedure, 1908 [‘CPC’], filed by the plaintiff seeking exemption from instituting pre-litigation mediation.

6. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Krithi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiff.

7. Accordingly, the application stands disposed of.

I.A. 17669/2025 (for seeking leave to file certain YouTube videos)

8. This is an application under section 151 CPC, filed by the plaintiff seeking leave to file certain YouTube videos in a pen drive.

9. For the reasons stated in the application, the application is allowed.

10. With the aforesaid, this application stands disposed of.

CS(COMM) 742/2025

11. The present suit has been filed by the Plaintiff inter-alia to restrain defendant no.1 from making, addressing, publishing, distributing, posting, tweeting, sharing, circulating or uploading any false, malicious, defamatory, disparaging, derogatory and/or libelous statements and communications against the plaintiff and/or any of its employees, in any manner whatsoever, including through print or electronic media or by any other mode. The plaintiff is also seeking to restrain defendant no.1 from using the plaintiff’s trade marks in any manner, along with other ancillary reliefs. The plaintiff is also seeking damages against defendant no. 1.

12. Let the plaint be registered as a suit.

13. Summons be issued to defendant no. 1 by all permissible modes on



filing of process fee. Affidavit of service be filed within two (2) weeks.

14. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The defendant no. 1 shall also file affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

15. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by defendant no. 1, failing which the replication shall not be taken on record.

16. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

17. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

18. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

19. At this stage, no summons are being issued to defendant nos. 2 and 3.

20. List before the learned Joint Registrar (J) for completion of service and pleadings, marking of exhibits and admission/denial of documents on **11.08.2025**.

21. List before the Court on **22.08.2025**.

¹ (2024) 5 SCC 815



I.A. 17663/2025 (Under Order XXXIX Rule 1 and 2 CPC)

22. This application under Order XXXIX Rule 1 and 2 CPC, has been filed by the plaintiff seeking an injunction against defendant no. 1 for removing, deleting and taking down the defamatory social media posts and videos, along with other ancillary reliefs. The plaintiff inter-alia also seeks an interim injunction against the defendant no. 1 from publishing or communicating to the public any material disparaging the “upGrad” marks of the plaintiff in any medium.

23. Mr. Gaurav Pachnanda, learned senior counsel for the plaintiff states that an advance service of the paper-book of the present matter has been affected upon defendant no. 1.

23.1. He states that however, defendant no. 1 on 24.07.2025 after receiving the paper-book, has uploaded a fresh defamatory post on his social media account on LinkedIn, mocking at the legal action initiated by the plaintiff.

23.2. He states that defendant no. 1 has already approached the District Consumer Forum, Kapda District, Andhra Pradesh [‘District Consumer Forum’] and the issues of alleged deficiency of service raised by defendant no. 1 are pending adjudication in those proceedings. He states that plaintiff has a reasonable defense to offer in the said District Consumer Forum with respect to the allegations of deficiency of service put forth by defendant no. 1.

23.3. He states that the plaintiff had offered to refund the entire fees received from defendant no. 1 to amicably resolve the issue. He states that an amount of Rs. 4 lakhs was received towards fees from defendant no. 1 and the plaintiff remains ready and willing to refund the said amount to the defendant no. 1. He states however, defendant no. 1 has declined to accept



the said refund and has demanded very high figure, which is not acceptable to the plaintiff.

23.4. He states that without admitting to the allegations of deficiency of service in any manner, the plaintiff is ready and willing to deposit the entire amount of fee of Rs. 4 lakhs with this Court and the same can be paid over to defendant no. 1.

23.5. He states, however, that defendant no. 1 recently through his posts on his social media account on LinkedIn, has now started reaching out to the university partners of the plaintiff by tagging them in the post and making claims about the plaintiff, which are false and misleading. He states that in these posts, defendant no. 1 has cited and republished unverified third-party articles to cause harm to the plaintiff.

23.6. He states that more importantly, defendant no. 1 in his posts is using abusive language against the management and the faculty of the plaintiff. In this regard, he refers to the defamatory posts reproduced in the plaint at paragraph '42'.

23.7. He states "upGrad" is the registered trademark of the plaintiff. He states that defendant no.1 has also been using the 'upGrad' mark as a hashtag in the defamatory social media posts with a clear mala fide to defame the plaintiff and cause harm to its goodwill and reputation and disparage the plaintiff's 'upGrad' mark.

23.8. He prays that since defendant no. 1 had elected not to be present at the hearing today despite advance service, therefore, at this stage, until the next date of hearing, defendant no. 1 may be restrained from using the trademark of the plaintiff in his social media posts and videos, as well as defendant no. 1 be refrained from using explicit and abusive content in his posts and



videos targeted at the plaintiff, its management and its employees.

24. None appears on behalf of defendant no. 1, physically or through video conferencing link.

25. This Court has perused the defamatory posts published by defendant no. 1, set out in paragraph '42' of the plaint and the transcript of the videos uploaded on YouTube by defendant no. 1.

26. This Court has also perused the printouts of defendant no. 1's social media posts published by defendant no. 1 on 24.07.2025, handed over by the learned senior counsel for the plaintiff across the bar, which clearly records defendant nos. 1's knowledge of the filing of the suit and its tentative date of listing on 24.07.2025. The intent of the extant Rule directing the plaintiff to serve the advance copy of the paper-book on the defendant is to enable the defendant to be present at the hearing to present its version of the facts.

27. It is a matter of record that defendant no. 1 has already initiated legal proceedings against the plaintiff presumably raising the allegations published in the posts, alleging lack of deficiency in services provided by the plaintiff, which is pending adjudication before the District Consumer Forum.

28. However, in the interregnum, the pendency of commercial disputes between the parties cannot justify posting of abusive posts by defendant no. 1 against the plaintiff on the social media platform and more specifically about Plaintiff's faculty and its employees. The defendant no.1's right to fair comment would not permit/encompass abuse.

29. The defendant no. 1 in its post has used the plaintiff's mark "upGrad" as a hashtag and has simultaneously created alike hashtags using part of the plaintiff's mark by joining it with derogatory words like 'scam' and 'fraud'.



The intent of defendant no. 1 to disparage the plaintiff's mark is writ large.

30. Since, defendant no. 1 has elected to not be present at hearing today, until the next date of hearing, defendant no. 1 is restrained from uploading any social media post or videos on social media platforms using the plaintiff's trademark "upGrad" or using any explicit or abusive against the plaintiff, its management and its employees.

31. In addition, the plaintiff is directed to deposit a sum of Rs. 4 lakhs with the Registry of this Court within one (1) week. Appropriate directions for releasing the said amount to defendant no. 1 will be issued on the next date of hearing.

32. Issue notice to defendant nos. 1 to 3 through all modes. Affidavit of service be filed within two (2) weeks.

33. Reply to this application be filed within a period of two (2) weeks.

34. Rejoinder thereto if any, be filed within a period of two (2) weeks thereafter.

35. The plaintiff is directed to place on record the social media post handed across the bar within one (1) week. The plaintiff is also directed to file a chronology of the dates on which the impugned posts and impugned videos were published and uploaded.

36. Provisions of Order XXXIX Rule 3 CPC be complied with within one (1) week from today.

37. List before the learned Joint Registrar (J) for completion of service and pleadings on **11.08.2025**.

38. List before the Court on **22.08.2025**.

39. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated



as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
JULY 25, 2025/rhc/MG