

CS SCJ 1066/2025

Adani Enterprises Ltd. Vs. Paranjy Guha Thakurta & Ors.

06.09.2025

Fresh suit is received by way of assignment via e-mode. It be checked and registered.

Present : Shri Jagdeep Sharma, Id. Sr. Advocate (through VC) along with Shri Vijay Aggarwal (through VC), Shri Guneet Sidhu (through VC), Shri Verdaan Jain, Ms. Muskan Aggarwal and Shri Deepak Aggarwal, Ld. Counsels for plaintiff.

Heard. Perused.

Issue summons for settlement of issues for service upon the defendant(s) by ordinary process as well as through post/speed post/registered courier, on filing of PF within 10 working days, returnable on **09.10.2025**.

Summons be also served through electronic mode / Whatsapp / e-mail on filing of affidavit of plaintiff qua the mobile phone number/e-mail of defendant and soft copy of the suit as well as documents at the email ID of the court alongwith PF, returnable for NDOH.

Let the copy of the summons be given dasti to the plaintiff/its counsel for effecting service upon defendant.

Process Server is directed to give report of three mandatory visits and in case of non-availability/refusal summon be served by way of affixation.

Further, Plaintiff to submit the internet generated tracking report of proof of delivery of summons sent through post alongwith the certificate of Section 65B of the Indian Evidence Act on the next date of hearing.

Ld. Counsel for plaintiff presses for disposing of the interim injunction application under Order 39 Rule 1 & 2 CPC.

ORDER

1. By way of application under Order 39 Rule 1 and 2 CPC, following ex-parte ad-interim injunctions have been sought :

A. Pass an ex-parte Temporary Injunction directing the Defendants including the John Doe Defendant to remove the Defamatory Material [specifically mentioned in Paragraphs 15 to 24, 34, 46-47, 51-52, 55, 58, 60, 64, 66, 68, 71, 73, 75, 77, 80, 82 & 84 and in Documents Nos. 4-15, 17, 20, & 22-23 of the Suit] from their respective websites and any other mediums and platforms within 24 hours failing which the same shall be taken down by the concerned intermediary in accordance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021;

B. Pass an ex-parte Temporary Injunction granting the Plaintiff the liberty to provide further hyperlinks of defamatory material published by Defendant No. 9 such as those mentioned in Paragraphs 15 to 24, 34, 46-47, 51-52, 55, 58, 60, 64, 66, 68, 71, 73, 75, 77, 80, 82 & 84 and in Documents Nos. 4-15, 17, 20 & 22-23 of the Suit directly to the concerned intermediary in accordance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 for takedown within 36 hours;

C. Pass an ex-parte Temporary Injunction restraining the Defendants including the John Doe Defendant, their associates, affiliates, servants, agents, directors, partners, employees, representatives, and all other persons acting for and on their behalf from distributing and/ or circulating the Defamatory Material [specifically mentioned in Paragraphs

15 to 24, 34, 46-47, 51-52, 55, 58, 60, 65, 66, 68, 71, 73, 75, 77, 80, 82 & 84 and in Documents Nos. 4-15, 17, 20 & 22-23 of the Suit];

D. Pass an ex parte Temporary Injunction restraining the Defendants including the John Doe Defendant, associates, affiliates, servants, agents, directors, partners, employees, representatives, and all other persons acting on their behalf, from distributing and/or circulating any incorrect reports about the Plaintiff;

E. Pass an ex-parte Temporary Injunction restraining the Defendants including the John Doe Defendant, their associates, affiliates, servants, agents, directors, partners, employees, representatives and all other persons acting for and on their behalf from using the Plaintiff's name directly or indirectly and/or continuing with publication of any Defamatory Material [specifically mentioned in Paragraphs 15 to 24, 34, 46-47, 51-52, 55, 58, 60, 64, 66, 68, 71, 73, 75, 77, 80, 82 & 84 and in Documents Nos. 4-15, 17, 20 & 22-23 of the Suit] having any direct or indirect relation/reference to the Plaintiff without the Plaintiff's prior written consent;

F. Pass an ex-parte Temporary Injunction restraining the Defendants including the John Doe Defendant from making any further unverified, unsubstantiated, and ex facie defamatory statements in any form, i.e., article, tweet, video, report, interview, etc. concerning the Plaintiff or repeating and republishing the Defamatory Material [Paragraphs 15 to 24, 34, 46-47, 51-52, 55, 58, 60, 64, 66, 68, 71, 73, 75, 77, 80, 82 & 84 and in Documents Nos. 4-15, 17, 20 & 22-23 of the Suit];

2. The brief facts of the case as averred in the plaint are that the Plaintiff company (AEL) is an Indian Multinational publicly listed holding company and a part of the Adani Group. The Plaintiff is the flagship

Company of the Adani Group and is engaged in large scale projects in the energy and infrastructure projects, Thermalpower projects, Port Development and Operation and Consumer Essentials edible oils segment etc. in India. It is stated that the Plaintiff employs approximately 27,000 employees and states that since 1993, when it was incorporated, it has created immense value for the shareholders. The Plaintiff's group companies include various other large multinational and publicly listed companies such as Adani Green Energy Ltd., Adani Ports and Special Economic Zone Ltd. etc. The Plaintiff has various international infrastructure projects such as mines in Australia and ports in Israel etc. and owns and manages Haifa Ports in Israel and operates transnational power plant at Godda, Jharkhand. The plaintiff company is also having logistical infrastructure in Africa.

3. It is further averred in the plaint that stated that the group is having revenue of about \$15 billion and that their trade name and trademark Adani under which more than 80 companies, trusts and institutions are established and are engaged in various businesses and social activities is a reputed global name identified and recognized by general public.

4. It is further stated that the Plaintiff is aggrieved by the actions of certain reporters, activists and organizations, who, with malicious intent, have damaged the Adani Group's reputation and also cost its stakeholders billions of dollars and also caused massive loss to the image, brand equity and credibility of India's brand as a country. It is stated that the Defendants, by aligning with anti-India interests and continuously targeting the Plaintiff's Infrastructure and energy projects which are critical

to India's infrastructure and energy security have disrupted these projects with ulterior motives.

5. It is further stated that Adani's Australian operations aimed at securing vital resources for India were got strained and delayed and repeatedly hindered, pushing back development timelines due to the interference of such reporters, activists and organizations and which defamatory actions of theirs also led to the straining of the balance sheets of the Adani Group and delayed key investment plans. It is further stated that the efforts to tarnish the global reputation of the Plaintiff have repeatedly hindered its ability to raise funds, pushing back development timelines by years. In this regard, specific reliance is placed on the Hindenburg report, which report is being repeatedly referenced by the Defendants and which report falsely suggested a potential 90% decline in Adani stock value and raised unfounded concerns about its debt.

6. The Plaintiff is active in charitable activities and involved in activities pertaining to social causes for betterment of society and nation. It is stated that there are three agenda driven websites having domain names *<https://pranjoy.in>*, *www.adaniwatch.org* and *<https://adanifiles.com.au>* which repeatedly publish baseless and defamatory content against the Plaintiff and the Adani Group and its Founder and Chairman. It is further stated that apart from the defamatory materials being published on these three websites, the same is also shared widely on Social Media platforms and other websites and several John Doe persons have also published the alleged defamatory contents across various media and websites.

7. It is stated that the Defendant No. 1 operates the Website No. 1 and has published the defamatory content on it. The Defendant No. 2 is a Co-Author of the Defendant No. 1 and has in conjunction with Defendant No. 1 and independently also published defamatory content. The Defendant No. 3 has also published articles alleging an illegal nexus between the Hon'ble Courts and the Adani Group. The Defendant No. 4 has also published articles on Website No. 1 and Website No. 2 and linked the Group with Crony Capitalism by calling Gautam Adani a Crony and alleged that there was a brazen attempt to bail him following regime change in Dhaka. The Defendant No. 5 is also a contributor to the Website No. 2 and has alleged that those protesting against the Adani Group's mining projects are arrested and cases against them are contrived. The Defendant No. 6 is the owner and registrant of the website no. 2 and the Defendant No. 7 is its registrar, whereas the Defendants No. 8 and 9 are the registrant/owner and the registrar of the Website No. 3. The websites no. 2 and 3 exist solely for the purpose of defaming the Petitioner and exist only as part of a nefarious design and seek to weaponize unrestricted speech as a dagger against the Plaintiff, its Group and its Chairman and founder Gautam Adani. The Defendant No. 10 are the Ashok Kumar/John Doe persons who have published Defamatory content against the Plaintiff.

8. It is the main grievance of the plaintiff that it is being maliciously and deliberately attacked by the vested interest who are inimical not only to the plaintiff but also to the national interest and hampered operations of the plaintiff globally, drove away their investors, wiped off massive amount of funds of investors and created panic in the market and defendants are creating sensationalism with malafide intent. It is further stated that the Defendants are driven by the agenda to defame the

Plaintiff and serve foreign interests and have persistently targeted the projects of the Adani Group even outside of India, i.e. in Australia, Africa, Bangladesh, Israel and the US. Plaintiff is seeking protection against the the negative and misleading narrative through alleged defamatory articles as the repercussion of the same upon the plaintiff is severe as it is straining the balance sheet of the plaintiff delaying execution of projects, wiping billions worth of investors money, creating panic in the market, loss of goodwill and reputation at global scale, loss of present and future business and also hindering ability of the plaintiff to raise funds.

9. Ld. Sr. Counsel for the plaintiff has relied upon the judgment of the Hon'ble Delhi High Court in **Anjali Birla vs. X Corp. & Ors. CS (OS) 558/2024** regarding John Doe Order as defamatory content against the plaintiff is multiplying. Ld. Sr. Counsel has also relied upon total 58 judgments out of which prominent judgments are **M.P. Lohia Vs. State of West Bengal (2005) 2 SCC 686**, **R.K. Anand Vs. Registrar, Delhi High Court (2009) 8 SCC 106**, **Sidhartha Vashisht @ Manu Sharma Vs. State (NCT of Delhi) (2010) 6 SCC I**, **Sahara india Real Estate Corporation Ltd. Vs. SEBI (2012) 10 SCC 603**, **Praful Patel Vs. Indian Express and Ors. C.S. No.803/2019**, **Rana Kapoor Vs. Penguin Random House India Private Limited & Ors. C.S. No.581 of 2021**, **Pepsico India Holdings Pvt. Ltd. Vs. Facebook Inc. and Ors. C.S. No.291/2018**, **Tata Sky Ltd. Vs. Youtube LLC & Ors. C.S.(OS) No.2554/2015**, **Smriti Zubin Irani Vs. Pawan Khera & Ors. CS (OS) 436/2012**, **M/s. Frank Finn Management Consultants Vs. Mr. Subhash Motwani & Anr. CS (OS) 367/2022**, **Dr. Abhishek Manu Singhvi Vs. Sarosh Zaiwalla**, **Chanda Kochar Vs. Jai Viratra Entertainment Ltd. and Ors. and Swamy Ramdev Vs. Juggernaut Books Pvt. Ltd. and Ors.**

10. Ld. Sr. Counsel appearing for the plaintiff emphatically argued that ex-parte interim order be passed against the defendants and submitted that ex-parte ad interim injunctions have been passed on similar facts in other cases. It is further argued that ex-parte ad-interim injunction is required as defamatory articles/tweets may possibly be circulated/shared/re-tweeted causing further loss of reputation to the plaintiff.

11. Submissions heard. Record perused.

12. The considerations for grant of ad-interim ex-parte injunction requires (i) that there is a prima facie case in favour of the plaintiff (ii) that balance of convenience is also in favour of the plaintiff and (iii) that if the relief is denied, irreparable injury shall be caused to the plaintiff.

13. At the same time, the plaintiff is also required to demonstrate to this Court that the plaintiff has not dis-entitled himself from grant of discretionary reliefs on account of delay and laches, acquiescence or having approached the Court with unclean hands.

14. The main grievance of the plaintiff appears to be that the alleged defamatory articles may cause strain to the balance sheet to the plaintiff, will delay execution of projects, wipe off billions worth of investor's money, create panic in the market, loss of goodwill and reputation of plaintiff at global scale, loss of present and future business and will also hinder ability of plaintiff to raise funds.

15. In **Shashi Tharoor Vs. Arnab Goswami and Ors.** 8 (2018) 246 DLT 279, it has been observed as under:

“96. Keeping in view the aforesaid mandate of law and the prima facie findings, this Court is of the opinion that in the present case the defendants have the right to air their stories and the same cannot be curbed, but it has to be tempered and balanced.

97. This Court is of the view that it is important that when criminal investigation has commenced, media reporting should be sensitive to the indeterminacy of the questions raised in the proceedings. Press cannot convict anyone or insinuate that he/she is guilty or make any other unsubstantiated claims. Press has to exercise care and caution while reporting about matters under investigation or pending trial”

16. It has been held in **Naveen Jindal Vs. Zee Media Corporation Ltd. & Anr** 9 (2015) 219 DLT 605 that :

“27. Reference may next be had to the judgment of this Court in the case of Kartongen Kemi Och Forvaltning AB & Ors. vs. State through CBI, 2004 (72) DRJ 693. In that case the public servants were charged for entering into criminal conspiracy to cheat the Government of India and cause wrongful loss to the tune of Rs.64 crores for the award of contract for supply of guns. The Court observed that after thirteen long years of investigation by the CBI no evidence has been collected against the public servants. The Court while observing the result of trial by media held as follows:

“7. This case is a nefarious example which manifestly demonstrates how the trial and justice by media can cause irreparable, irreversible and incalculable harm to the reputation of a person and shunning of his family, relatives and friends by the society. He is ostracised, humiliated and convicted without trial. All this puts at grave risk due administration of justice.

8. It is common knowledge that such trials and investigative journalism and publicity of pre-mature, half baked or even presumptive facets of investigation either by the media itself or at the instance of Investigating Agency has almost become a daily occurrence whether by electronic media, radio or press. They chase some wrong doer, publish material about him little realizing the peril it may cause as it involves substantial risk to the fairness of the trial. Unfortunately we are getting used to it.

13. This is one of such cases where public servants who are no more have met somewhat similar fate being victim of trial by media. They have already been condemned and convicted in the eyes of public. Recent instance of such a trial is of Daler Mehandi whose discharge is being sought few days after his humiliation and pseudo trial through media as they have not been able to find the evidence sufficient even for filing the chargesheet. Does such trials amount to public service is a question to be introspected by the media itself.”

17. Also in **Swami Ramdev vs Juggernaut Books Pvt Ltd & Ors C.M. (M) 556/2018**, it has been held as under :

“125. The contention of the respondents has been that freedom of speech and expression under Article 19(1)(a), of the Constitution of India is supreme and cannot in any manner be qualified by the contentions raised in civil disputes contending that the right to freedom of speech and expression be regulated in a manner that it does not circumscribe or impinge on another's right to reputation. The said contention clearly cannot be accepted. This is so in as much as ruled in Charu Khurana v. Union of India: AIR (2015) 839, dignity is a quintessential quality of a personality, for it is a highly cherished value as observed by the Hon'ble Supreme Court in Subramniam Swamy v Union of India: 2016 7 SCC 227 laying down further vide paragraph 133 thereof, thus perceived the right to honour, dignity and reputation are the basic constituents of the right to life under Article 21. The verdict in Subramniam Swamy (supra) categorically observes that to state that the right to reputation can be impinged and remains unprotected inter se private disputes pertaining to reputation would not be correct and also lays down vide paragraph 144 of the said verdict that reputation of one cannot be allowed to be crucified at the altar of the other's right of free speech and that the balance between the two rights needs to be struck and that the reputation being an inherent component of Article 21 of the Constitution of India, it should not be allowed to be sullied only because another individual can have its freedom. Undoubtedly, when there is an abridgement and the reasonable restrictions imposed so that both right exists, such an abridgement or restriction has only to be to the extent what is absolutely necessary.

131. As observed in paragraph 195 of the said verdict" the right to free speech cannot mean that a citizen can defame the other and protection of reputation is a fundamental right and also a human right and cumulatively serves the social interest. Vide the paragraph 196 of the said verdict, it has also been observed to the effect that the submissions that imposition of silence will rule over eloquence of free speech is a stretched concept in as much as the said proposition is basically founded on the theory of absoluteness of the fundamental right of freedom of speech and expression which the Constitution does not countenance.

18. It has been held in **Swatanter Kumar Vs. Indian Express Ltd. 11 (2014) 207 DLT 221** that :

“61. In view of the observations of the Supreme Court, it is clear that the order in the cases preventing the publication may include directions not to disclose the identity of the person or postpone the publication amongst other directions. In the instant case, the identity of the plaintiff is already disclosed prior to approaching this Court, however, the plaintiff states that the photograph of the plaintiff is repeated shown in the national dailies and televised news on day to day basis with an attempt to create an adverse public image. Prima facie I find that besides postponing the publications, the order or directions restraining the defendant not to publish the photograph of the plaintiff time

and again till the time any fact finding is made by the relevant authorities is also necessary so that the adverse publicity against him can be avoided.”

19. It has been held in **Priya Varghese Vs. Dr. Joseph Skariah 12 (2023) SCC Online Ker. 4390** that :

“That said, frighteningly frequent are those occasions when the impugned decision in academic matters attracts media attention for some reason or the other, and the court has then to deal with the added distraction brought about through incessant newspaper/channel discussions and overwhelming social media posts. It is for this reason that courts have time and again exhorted the print and electronic media to exercise restraint by deferring discussions on matters pending before the court so that the rule of law can be better served by avoiding an obstruction of the course of justice.

36. On its part, the media cannot be unmindful of the harm that is caused to a litigant's dignity and reputation through unjustified comments and remarks, often based on the oral remarks made by a judge during the adjudication proceedings, notwithstanding that the litigant ultimately succeeds in those proceedings. They must note that no less a constitutional functionary than the Chief Justice of India, had recently observed that not everything that is said by a judge during the course of interaction with counsel in court can be taken as revealing the judge's views on the merits of the cause that is being adjudicated. While the right to a fair trial has long been recognised as forming part of the fundamental right of a citizen under Article 21 of the Constitution, in recent times, the right to privacy has also been recognised as forming part of the said right through the judgment of the Supreme Court in K.S. Puttaswamy v. Union of India, [(2017) 10 SCC 1]. Even prior to the said judgment, the right to protect one's reputation was recognised as forming part of the fundamental right under Article 21 of the Constitution in Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni, [(1983) 1 SCC 124] The International Convention on Civil and Political Rights, 1965 also recognises the right to have opinions and the right of freedom of expression subject to the right of reputation of others. The right has also been recognised in State of Bihar v. Lal Krishna Advani, [(2003) 8 SCC 361].

37.... On account of its nature as a right that is personal to an individual, we are of the view that the newly recognised fundamental right to privacy, which takes within its fold the right to protection of one's reputation as well, would merit classification as a fundamental right that protects an individual, not only against arbitrary State action, but also against the actions of other private citizens, such as the press or media. We trust, therefore, that the media will take note of these observations and adopt a code of responsible journalistic conduct that will inform news reporting in the days to come."

20. As per the pleading, the plaintiff has never been found guilty by any regulatory authority or by a Court of Law. As per the plaintiff, it faced regulatory and media scrutiny in 2023 from which it came out clean

and plaintiff company has rebuilt market confidence through transparency, de-leveraging and consistent operation delivery, it attracted renewed investment from various partners, therefore, the articles and posts which are defamatory are per se not fair reporting. Also, such articles/posts seek to create sensationalism which may shape public perception and jeopardize the right of the plaintiff. Thus, there is a prima facie case in favour of the plaintiff. Even balance of convenience lies in the favour of the plaintiff considering that continual forwarding/publishing/re-tweeting and trolling would further tarnish his image in public perception and may result in media trial.

21. It is also apparent that if the reliefs sought by the plaintiff are denied to him, he shall suffer further loss of reputation which will be incalculable and may result in irreparable injury. Further, considering that the plaintiff has expressed his grievance of alleged defamatory articles which are of recent origin and still mushrooming, at this stage, there is no material to opine that the plaintiff has acquiesced to the circulation of the alleged defamatory articles and posts.

22. However, this Court is also conscious of sacrosanct principle of freedom of speech guaranteed under the Constitution of India and enshrined in Article 19 (1) (a), at this stage, instead of issuing a blanket order on restraining defendants no. 1 to 9 from fair, verified and substantiated reporting and from hosting, storing/circulating such articles /posts/URLs, it would suffice the interest of justice to restrain defendants no. 1 to 10 from publishing/distributing/circulating unverified, unsubstantiated and ex-facie defamatory reports about the plaintiff allegedly tarnishing the reputation of the plaintiff till the next date of

hearing as sought vide prayer clause C, D and E of the injunction application. Further, the plaintiff has also sought removal of such defamatory material by defendants no. 1 to 10 vide prayer clause A of the application. To the extent that the articles and posts are incorrect and unverified and prima facie defamatory, defendants no. 1 to 10 are also directed to expunge such defamatory material from their respective articles/social media posts/tweets and if the same is not feasible, remove the same within 5 days from date of this order. Also, attention of defendants are drawn to Rule 3 of Information Technology (Intermediary Guidelines and Digital Media Ethics Code), Rules 2021 requiring due diligence by the intermediary in hosting/storing/publishing such material. Specifically, attention of the defendants is also drawn to Rule 3(1)(d) of the aforesaid IT Rules, it is also incumbent upon the intermediary to remove / disable access to such content within 36 hours from receipt of such order of the Court or on being notified by the Appropriate Government or its agency. However, the same shall be subject to preservation of such information and associated records without vitiating the evidence for 180 days or such longer period as required by the Court or Government Agencies. Further, plaintiff sought liberty to provide hyper links of defamatory material published by the defendant no.9 to concerned intermediaries. The plaintiff is given opportunity to apply to intermediaries/concerned agencies with details of the URLs/posts/hyperlinks/articles on the basis of this order and intermediaries/concerned agencies are directed to take down/remove the alleged defamatory articles/posts/URLs whereby the prime facie defamatory material is published against the plaintiff within 36 hours, however they shall preserve the contents and record till further orders from this Court.

23. It is clarified that this order shall not have a bearing on the merits of the matter and shall not be construed to restrain any person from reporting about investigation and court proceedings in relation to the allegations so long as it is fair and accurate reporting based on substantiated and verified material.

24. It is clarified that, in case the plaintiff comes to know of any other similar social media posts/articles/posts/ URLs, it shall be open to the plaintiff to communicate the same to the defendants no.1 to 10 and concerned intermediaries and thereafter defendants no.1 to 10 and concerned intermediaries shall, till further orders of this Court, remove the same.

25. Plaintiff is directed to comply with the provisions of Order 39 Rule 3 CPC. Copy of order be given dasti to all concerned.

(Anuj Kumar Singh)
SCJ-cum-RC, North-West,
Rohini Courts, Delhi/06.09.2025