

Paranjoy Guha Thakurta Vs Adani Enterprises Limited**24.09.2025**

Present: Sh. Apar Gupta, Ms. Indumurgi C., Sh. Naman Kumar, Ld. Counsel for appellant.

Mr. Jagdeep Sharma, Ld. Senior Advocate with Mr. Vijay Aggarwal, Mr. Naman Joshi, Mr. Ayush Jindal, Mr. R. K. Gossain, Mr. Verdaan Jain, Mr. Mukul Rathore, Mr. Rajat Jain, Mr. Rahul, Ms. Pragati Gupta, Mr. Kartikay Sharma and Ms. Shreya, Ld. Counsels for respondent no. 1.

The appeal has been ordered to be decided by this court by Ld. Principal District & Sessions Judge, North-West vide order dated 23.09.2025. Submissions have been heard.

Put up for perusal of file and consideration on in the post lunch session.

Hearing is resumed at 02:48 pm

Present: None.

1. As per case record, respondent no. 1 filed a suit for declaration, permanent and mandatory injunction in which appellant has been arrayed as defendant no. 1 and it is averred that he is a purported journalist with a history of publishing false material against the plaintiff company. It is also averred that he runs a website wherein he routinely publishes false, scandalous, frivolous, misleading, derogatory, libelous and defamatory articles against the plaintiff company and some of articles dated

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23.08.2025, 01.04.2025, 12.12.2024, 01.12.2024, 23.11.2024, 27.09.2024 and 02.06.2024 authored by him are stated to be published on said website. It is averred that he is consistently posts defamatory material against the plaintiff on his profiles upon social media platform on 'X.com' and 'Instagram'. It is also averred that he with other defendant no. 2 to 5 is key contributor to websites and mere perusal of the said websites revealed that entire purpose of website is to spread false, scandalous, frivolous, misleading, derogatory, libelous and defamatory remarks against the plaintiff. In the plaint, it is also averred that appellant in a video published on youtube on 23.08.2025 is featuring wherein he can be seen making false and ex facie defamatory statement against the plaintiff. The plaintiff prayed the relief of decree of declaration that the contents of defamatory material mentioned in specific paragraphs in the plaint and in the documents filed with it are defamatory and a decree of permanent injunction is prayed against the defendants to remove the said material and restraining them from uploading/distributing/sharing and circulating the said defamatory material. It is also prayed that defendants be restrained from making any further unverified, unsubstantiated and ex facie defamatory statements in any form. The plaintiff has prayed for mandatory injunction directing defendants to publish a written unconditional apology in national newspapers and permanent injunction to block websites whose details are given in the plaint.

2. The plaintiff also filed application under Order 39

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Rule 1 & 2 CPC for passing ex parte injunction against the defendants. The Court of Ld. Senior Civil Judge after hearing the Ld. Counsels for the plaintiff passed the order dated 06.09.2025. The operational part of the order for the sake of convenience is reproduced here as under:-

“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

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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”

3. The appellant has challenged the said order by way of present appeal with the averments that the impugned order directs the appellant to expunge or remove the alleged defamatory on the internet without specifically identifying the content that it has found to be defamatory. It is also averred that the impugned order further specifies a vague threshold that appellant is expected to apply to its own content, posts and articles to adjudge whether they ought to be removed to be in compliance with the order and that it passes an overbroad and all encompassing directions to him. It is averred that the order has failed to apply the test set out for pre-trial injunctions and is passed on the basis of erroneous findings. It is averred that the opportunity has been given to respondent no. 1 to apply to intermediaries with details of URLs/Posts/Hyperlinks/Articles on the basis of the order and intermediaries are thereafter directed to take down/remove alleged defamatory URLs/Posts/Hyperlinks/Articles within 36 hours where the material is prima facie defamatory. It is averred that the responsibility of determining whether

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URLs/Posts/Hyperlinks/Articles shared by respondent is prima facie defamatory has been conferred on the intermediaries who have been conferred powers to become a censor and such intermediaries have not been arrayed as parties to the suit. It is also averred that the appellant has never served with notice regarding the hearing and the order has been passed in flagrant violation of principles of natural justice. It is averred that prayer sought by respondent no. 1 and allowed by Ld. Senior Civil Judge directly infringe upon fundamental rights of the appellant and passing such a sweeping order without hearing him makes the impugned order per incuriam, manifestly erroneous and unsustainable in law and is choking any form of reporting, publication and criticism by the appellant. It is averred that the suit itself is not maintainable and four articles/reports that are part of alleged impugned content is barred by the limitation period of one year for defamation.

4. The court was apprised when the appeal was listed before it for submissions that another appeal filed by other defendants has been assigned and thereafter it was apprised that the order dated 06.09.2025 has been set aside by the Court of Ld. District Judge-03, North-West, Delhi qua the said appellants. The matter was requested to be put before the Court of Ld. District Judge-03, North-West but appeal has been sent back to this court to adjudicate it in accordance with law.

5. As per provisions of Order 39 Rule 3 CPC, the applicant has to deliver to the opposite party or to send to him by registered post, immediately after the order granting the injunction has been made, a copy of the application for injunction

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together with a copy of the affidavit filed in support with the application and copy of plaint and documents on which the applicant relies. The applicant has to file an affidavit stating that copies aforesaid have been so delivered or sent on the day on which the injunction is granted or on the day immediately following that day. The court is informed that the said requirement has been complied with by respondent no. 1. It is provided by Rule 3A of Order 39 CPC that where an injunction has been granted without giving notice to the opposite party, the court shall make an endeavour to finally dispose off the application within 30 days from the day on which the injunction was granted. If the court is unable so to do then reasons for such inability are to be recorded. The matter was ordered to be posted for 09.10.2025 by the Ld. Trial Court after passing the ex parte injunction order on 06.09.2025. The Court of Ld. District Judge-03, North-West after considering the said fact has opined that Ld. Trial Court disempowered itself from deciding the application for interim injunction within the prescribed period. The Court of Ld. District Judge-03 allowing the appeal and setting aside the order dated 06.09.2025 so far as the appellants are concerned has directed the court of Ld. Senior Civil Judge to pass fresh orders on the application under Order 39 Rule 1 and 2 CPC after hearing the said appellants and the respondent no. 1. The matter is ordered to be taken up at the request of the parties for hearing on 26.09.2025 at 02:00 pm.

6. A party against whom an order has been passed under Order 39 Rule 3 CPC is having remedy to assail the same either by way of appeal or to approach the court to seek its recall

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or modification. The present appeal although is maintainable but where Ld. Trial Court has been directed to pass a fresh order on the appeal of other defendants in the suit then the appellant may also be asked to join the said hearing. The Court of Ld. Senior Civil Judge, North-West is directed to hear the appellant Paranjy Guha Thakurta also along with other defendants on 26.09.2025 at 02:00 pm when the matter is to be taken up by it as per orders of Ld. District Judge-03, North-West. Needless to say that Ld. Trial Court while passing the fresh orders on the application under Order 39 Rule 1 and 2 CPC will consider the principles of law settled qua the grant of interim injunction. The appeal is disposed off accordingly and the appellant will not be liable to follow the order dated 06.09.2025 till fresh orders are passed by the Court of Ld. Senior Civil Judge upon hearing him.

7. Copy of the order be sent to the Court of Ld. Senior Civil Judge, North-West, Delhi.

8. Appeal file be consigned to Record Room after due compliance.

(SUNIL CHAUDHARY)
DJ-04/North-West
RHC/Delhi 24.09.2025