



2025:DHC:8304



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 278/2020, I.A. 8512/2020, I.A. 9888/2023 & I.A. 10203/2023**

Date of Decision: 03.09.2025

IN THE MATTER OF:

T.V. TODAY NETWORK LIMITED
A COMPANY INCORPORATED
UNDER THE PROVISIONS OF
THE COMPANIES ACT, 1956

HAVING ITS REGISTERED OFFICE AT:
F-26, FIRST FLOOR,
CONNAUGHT PLACE
NEW DELHI - 110001

.....PLAINTIFF

Through: Mr. Hrishikesh Baruah, Mr. Utkarsh
Dwivedi, Mr. Kumar Kishitij and Mr.
Anurag Mishra, Advs.

versus

1. ANURAG SRIVASTAVA
CARE OF IELECTRIX INDIA PRIVATE LIMITED

HAVING ITS REGISTERED OFFICE AT:
HOUSE NO. A-43, SECTOR-10
NOIDA, UTTAR PRADESH – 201301

2. TWITTER INC
1355, MARKET STREET,
SUIT 900
SAN FRANCISCO,
CA – 94103,
THE UNITED STATES OF AMERICA

.....DEFENDANTS

Through: None.

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CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

The plaintiff, TV Today Network Limited, has filed the present suit seeking a decree of permanent injunction against defendant no. 1, along with reliefs of mandatory injunction and damages to the tune of Rs. 2,00,00,100/- (Rupees Two Crores and One Hundred Only) as compensation for defamation caused to the plaintiff company.

2. At the outset, it is noted that there were initially three defendants. However, defendant no. 3 (Google LLC) was removed from the array of parties *vide* order dated 22.03.2022, and similarly, defendant no. 2 was removed by order dated 15.09.2022.

3. It is also noted that, *vide* order dated 15.09.2022, the plaintiff's suit in respect of prayer (A) has already been decreed. Prayers (B), (C), and (D) have been rendered infructuous. Accordingly, the suit now stands confined to prayer (E) and prayer (F), which are reproduced below:

"E. Pass a decree of damages of Rs. 2,00,00,100 (Rupees Two Crores and One Hundred only) or more as may be ascertained through discovery and evidence in the present proceedings against the Defendant No.1 and in favour of the Plaintiff;

F. Award costs of the present proceedings against the Defendant No.1 and in favour of the Plaintiff; and"

4. It is, therefore, evident that the current proceedings are limited solely to the issue of damages specifically, whether and to what extent damages are to be granted to the plaintiff. A brief background of the case, to the extent relevant to this limited issue, is set out below.

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5. For the sake of clarity, the order dated 15.09.2022 is reproduced as under:

"1. Counsel for the plaintiff submits that he has no objection if the defendant no.2 is deleted from the array of the parties, with liberty to implead the defendant no.2 at a subsequent stage, if the need so arises. Accordingly, the defendant no.2 is deleted from the array of the parties. Let an amended memo of parties be filed within two weeks.

2. Counsel for the defendant no.1 states that pursuant to the order dated 19th May, 2022, an affidavit has been filed on behalf of the defendant no.1 on 14th September, 2022. However, the same is not on record. Counsel for the defendant shall take steps to have the same placed on record. Copy of the affidavit has been supplied to counsel for the plaintiff. A copy of the said affidavit has been handed over in the Court and is taken on record.

3. In the said affidavit, the defendant no.1 has stated that he has taken down the alleged defamatory tweets/posts from his twitter account and the defendant no.1 further undertakes not to post/publish or make any statement which would be derogatory or defamatory in respect of plaintiff or its employees. The defendant no.1 shall remain bound by the averment made in the said affidavit.

4. In view of the said affidavit, the interim order dated 24th September, 2020 as clarified on 1st October, 2020 is confirmed till the final adjudication of the suit.

5. Further, in view of the above, the suit is decreed in terms of prayer (A) in the plaint.

6. In view of the defamatory material having been removed, prayers (B), (C) and (D) have become infructuous. Therefore, only prayers (E) and (F) survive in the suit.

7. On the basis of the pleadings, following issues are framed:-

*(i) Whether the plaintiff is entitled to damages as claimed in the suit? OPP
(ii) Whether the plaintiff is entitled to costs of the present proceedings? OPP
(iii) Relief.*

8. Counsel for the plaintiff shall file evidence by way of affidavit of the plaintiffs witnesses within four weeks from today.

9. List before the Joint Registrar on 18th November, 2022 for further proceedings."

6. Accordingly, it is clear that the only surviving issues relate to damages and costs. The defendant has proceeded *ex parte*, as noted in the order dated 05.12.2023.

7. To substantiate its claim for damages, the plaintiff has adduced

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evidence through four witnesses. Paragraph 24 of the written note provides the following table:

<i>Sl. No.</i>	<i>Name of the witnesses</i>	<i>Designation of The witnesses</i>	<i>Connection of the witnesses</i>	<i>Page Nos.</i>
1.	<i>M. N. Nasser Kabir</i>	<i>PW-1</i>	<i>Authorized Representative of Plaintiff and has filed the suit</i>	<i>PDF Pg. 2-29 (Evidence IVB)</i>
2.	<i>Yatender Kumar Tyagi</i>	<i>PW-2</i>	<i>Chief Financial Officer of the Plaintiff Company</i>	<i>PDF Pg. 30-37 (Evidence IV- B)</i>
3.	<i>Surinder Nagar</i>	<i>PW-3</i>	<i>Consultant, Plaintiff Company</i>	<i>PDF Pg. 38-44 (Evidence IV- B)</i>
4.	<i>S. Naseem A. Hasaney</i>	<i>PW-4</i>	<i>Legal Counsel, LMIL</i>	<i>PDF Pg. 45-50 (Evidence IV- B)</i>

8. It has come on record during the course of evidence that the plaintiff is a company incorporated under the provisions of the Companies Act, 1956, and is part of the well-reputed India Today Group. The following documents have been marked as exhibits on record to show the aforesaid:

- The Memorandum of Association is marked as Exhibit PW-1/3 (OSR).
- The Articles of Association are marked as Exhibit PW-1/4 (OSR).
- The Certificate of Incorporation is marked as Exhibit PW-1/5 (OSR).

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iv. The Certificate for Commencement of Business, dated 07.02.2000, is marked as Exhibit PW-1/6 (OSR).

9. The defendant is Anurag Srivastava, who operates the Twitter handles '@theanuragkts' and '@theanuragoffice'. These profiles describe him as an ordinary resident of Delhi and Gorakhpur. Screenshots of the defendant's Twitter profiles have been marked as Exhibit PW-1/16. His Twitter page also links to a blog under the name anuragsrivastava.in, which is marked as Exhibit PW-1/17. The blog further provides his Instagram handle and indicates that the defendant is the founder of a company called '@IElectrix'. The Instagram page of the company, styled as 'iELectrix India Private Limited', has also been produced by the plaintiff. Records of the company show that it is registered at House No. A-43, Sector 10, NOIDA, with a screenshot of the details from the Registrar of Companies marked as Exhibit PW-1/19.

10. The cause of action in the present case originated on 27.08.2020, when the plaintiff's news anchor, Mr. Rajdeep Sardesai, conducted an interview that was broadcast by the plaintiff on its news channels, India Today and Aaj Tak (Hindi), at 7:00 pm under a special segment titled 'Super Explosive'. The interview garnered significant viewership and public attention.

11. On 28.08.2020, Defendant No. 1 published a tweet on his Twitter handle @theanuragkts, which stated:

"When Rajdeep Sardesai was born, nurse said ...Badhai ho... Apko dalla hua..."

12. It is the case of the plaintiff that this tweet, using the derogatory Hindi colloquial term 'dalla' (implying 'pimp'), was false, abusive, and

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defamatory, directly targeting Mr. Rajdeep Sardesai a prominent anchor of the plaintiff company and, by extension, tarnishing the reputation and credibility of the plaintiff company.

13. The aforementioned tweet was subsequently deleted by the defendant at the time of filing the suit. However, the plaintiff has demonstrated that the tweet was visible in Google Search Results, with proof submitted as Ex PW-1/21.

14. Further investigation by the plaintiff revealed that on 07.06.2020, the defendant uploaded a video on his Twitter handle '@theanuragoffice', accompanied by a comment falsely alleging that Mr. Rajdeep Sardesai was involved in spreading fake news. This video and tweet were published to the defendant's followers, amplifying the defamatory impact.

15. On 26.08.2020, the defendant posted another tweet on his Twitter handle, stating:

"There is no difference between Rajdeep Sardesai and Zakir Naik #ShameOnAajTak."

16. It is again the case of the plaintiff that this false and malicious comparison between Mr. Rajdeep Sardesai and an individual accused of serious criminal activities was intended to defame the plaintiff's anchor and, by extension, the plaintiff's news channel, Aaj Tak.

17. On 06.09.2020, the defendant published yet another false and defamatory tweet on his Twitter handle '@theanuragkts', which read:

"Rhea Chakraborty allegedly gave Rs.8 crores to Rajdeep Sardesai and India Today for her interview. RIP 4th Pillar of Democracy."

18. This baseless allegation of bribery was circulated to the defendant's over 7,200 Twitter followers, severely damaging the plaintiff's journalistic





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integrity and business reputation.

19. Further, on 07.09.2020, the plaintiff lodged a complaint with Twitter's Grievance Officer, highlighting the false and fabricated nature of the defendant's tweets. Subsequently, the plaintiff issued a public statement on its Twitter handle '@IndiaToday', declaring that the India Today Group had initiated legal action against Anurag Shrivastav for his defamatory statements.

20. To substantiate the claim for damages, the plaintiff has produced the annual reports of the plaintiff's company for the financial years 2015-16, 2016-17, 2017-18, 2018-19, and 2019-20. It is the plaintiff's case that these documents show that the Aaj Tak News Channel holds a market share of 16% of the entire Hindi news channel industry. PW-2, Yatinder Kumar Tyagi, is the Chief Financial Officer of the plaintiff company. In his evidence, he states that the plaintiff's total income declined from Rs. 899.57 crores in 2019-20 to Rs. 819.92 crores in 2020-21 (Ex PW 2/1) [PDF Pg. 29-36 (Evidence IV-B)]. The relevant portion of his affidavit is as follows:

"19. I further say that the actions of the Defendant No. 1 have caused loss to the Plaintiff Company in the following manner:-

- i. The revenue of the Plaintiff Company in the financial year 2020-21 has been hugely affected. The Plaintiff Company has incurred a loss of revenue which amounts to approximately 79 crores.*
- ii. The revenue of the Plaintiff Company declined subsequent to the actions of Defendant No. 1. The loss in revenue of the Plaintiff Company subsequent to the tweets published by Defendant No. 1 is evident from the comparison of the annual reports for the years 2019-2020 and 2020-2021. Annual Report of the Plaintiff Company for the financial year 2020-2021. Annual Report of the Plaintiff Company for the financial year 2020-2021 is now exhibited as EXHIBIT PW2/1. The decline in revenue of the Plaintiff Company and loss suffered is as follows:-*

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	<i>Figures in Rs Crores</i>
<i>Financial Year</i>	<i>Total income</i>
2019-20	899.57
2020-21	819.92

(iii) The loss in revenue is attributable to the defamatory and derogatory tweets of Defendant No. 1. The loss has been suffered by the Plaintiff Company due to the loss of existing and new advertisers and/or clients advertising their products and/or services with the Plaintiff Company.

(iv) I say that the said advertisers/clients who were formerly working/associated with the Plaintiff Company after viewing the impugned tweets published by Defendant No. 1 expressed their disaffection towards the Plaintiff Company. I further say that has in turn led the Plaintiff Company to reduce the rates for displaying advertisements being offered in the industry. As a result, this caused tremendous loss in the revenue to the Plaintiff Company."

21. PW-3, Sudhir Nagar, has filed an affidavit stating that the attack on Mr. Rajdeep Sardesai was premeditated, preplanned, and systematic. He opines that such attacks lower the reputation of the plaintiff in the eyes of right-thinking members of the public. PW-4, S. Naseem A. Hasaney, also stated that the tweets have the effect of lowering the plaintiff's reputation among the right-thinking members of society.

22. It is thus submitted that real and actual damages have indeed occurred, as evidenced by the reduction in income generated by the plaintiff company for the financial year 2020-21.

23. Mr. Hrishikesh Baruah, learned counsel appearing for the plaintiff, however, contends that the plaintiff for the case of defamation and seeking general damages may not require to actually prove the actual damages. He

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has placed reliance on a decision in the case of **Jameel (Mohammed) and another v Wall Street Journal Europe**¹. The decision of the Calcutta High Court in the case of **Esbi Hi-Flex Pvt. Ltd. & Anr. v. Vulkan Technologies Pvt. Ltd.**² Paragraph No.10 thereof reads as under:

“10. Relying upon 2007 Bus LR page 299 (Jameel (Mohammed) v. Wall Street Journal Europe Sprl) and 1894 (1) Queen's Bench Division page 133 (South Hetton Coal Company, Limited v. North-Eastern News Association, Limited) it is contended that, when a defamation is with regard to the way of a business of a company such company is entitled to general damages.”

24. The reliance is also placed on the decision of this Court in the case of **Abhijit Mishra v. Wipro Ltd.**³, dated 14.07.2025.

25. Having considered the aforesaid submissions, the Court finds that so far as the reliefs except the damages are concerned, have already granted and with respect to the relief of the general damages, the Court in paragraph No.98 in the case of **Abhijit Mishra** has considered various aspects.

26. There does not seem to be any defined formula for quantify injury to owner or refute which renders such exercise inherently discretionary based on facts and gravity of the defamation in each and every case.

27. The very idea of quantification of reputation loss in terms of the money make the task for judicial determination challenging.

28. In order to fully appreciate the aforesaid circumstances aspect, a reference can be made to the order dated 24.09.2020 when the Court restrained the defendant directly or indirectly from publishing re-publishing

¹ 2007 1 AC 359 (HL)

² 2015 SCC OnLine Cal 4421

³ 2025 SCC OnLine Del 4976

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sending or posting any tweet or information in the electronic mode or through internet email or social media.

29. Furthermore, defendant no. 1 appeared before this Court and filed an affidavit on 14.09.2022.

30. It is thus evident that the defendant took down the alleged defamatory tweets and posts from his Twitter account in compliance with the Court's directions. He also undertook not to directly or indirectly publish, republish, send, or post any tweets or information in electronic form or through the internet, email, social media, or any print media. Accordingly, the suit was partially decreed on 15.09.2020, and issues relating to damages were framed.

31. It is also noted that since filing the affidavit, there has been no instance of publishing, republishing, or in any manner defaming the reputation of the plaintiff by defendant no. 1.

32. Having considered the overall facts and circumstances, the Court finds that the objectionable tweets were highly defamatory and remain unsubstantiated by the defendant, despite having been afforded sufficient opportunity to do so.

33. Such an irresponsible act of the defendant has to be deprecated.

34. So far as the quantum of damages is concerned, in absence of there being any mathematical formula to assess the defamation, the Court has to apply the principle of general damages.

35. In the case of **Abhijit Mishra**, the same principle was applied, and the plaintiff therein was awarded general compensatory damages of Rs. 2,00,000/- for the use of irresponsible and unsubstantiated language in his





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termination letter. The plaintiff in that case was described as ‘malicious’.

Paragraph No. 65 and 92 of the said decision read as under:

“65. Moreover, DW-1 categorically conceded in response to pointed questions that none of the said documents describe the plaintiff as a “poor performer” or attribute any “malicious conduct” to him. To the contrary, the Ex. DW-1/P3 includes language such as “Good work overall” and “Abhijit has done well overall this quarter,” with no reference whatsoever to misconduct or breach of trust. The express language of these performance reviews militates against the adverse characterizations later inserted into the termination letter. In the absence of any contrary documentation or inquiry report, the claims of the defendants remain unsubstantiated. If the conduct of the plaintiff indeed qualified for such imputations, there ought to have been some contemporaneous record to support the same, akin to the available record which suggests otherwise.”

*“92. However, this contention is untenable in view of the doctrine of compelled self-publication, which is attracted in the present case owing to the respective positions of the parties and their relationship inter se. **The Court takes due note of the language employed in the impugned letter, particularly the assertions referring to “malicious conduct”**, which, by their very nature, were bound to surface in the course of future employment. It was a matter of common knowledge and ordinary prudence that in matters such as job applications, background verification, or reference checks, the plaintiff would be left with no alternative but to disclose the impugned termination letter to prospective employers. The defendant, being an employer itself, was, in all probability, aware of the fact that prospective employers would want to enquire about the antecedents of the plaintiff. Such disclosure, being a foreseeable and natural consequence of incorporating the defamatory remarks in the impugned termination letter, renders the act actionable in law.”*

36. Having considered the overall circumstances, this Court deems it just and proper to award Rs. 5,00,000/- as general compensatory damages to the plaintiff, to redress the reputational harm, emotional hardship, and loss of professional credibility caused by the conduct of the defendant.

37. Parties to bear their own costs.

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38. Suit stands disposed of along with pending applications.

PURUSHAINDRA KUMAR KAURAV, J
SEPTEMBER 3, 2025/p/sph

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