

**In the Court of SCJ-cum-RC, (West District)
Tis Hazari Courts, Delhi.
Presided by : Ms. Richa Sharma**

CS SCJ No. 459/2026
CNR No. DLWT-03-000763-2026

Manoj Kesari Chand Sandesara,
S/o Kesarichand C Sandesara,
R/o-13/155 Road No. 2 Jawahar Nagar,
Goregaon, West Mumbai-400104

Presently on 24.03.2026 at:
Room No. Classic 209, Hotel
Golden Saffron C-71, Shivaji Park,
Punjabi Bagh New Delhi-110026

Versus

1. Google LLC
ATTN: Suraj Roa,
Resident Grievance officer for youtube,
Google LLC-India Liaison Office,
Unit no. 26, The executive centre,
Level 8, DLF Centre,
Sansad Marg, Connaught Place,
New Delhi-110001

Also at:
Google LLC, D/B/A Youtube
901 Cherry Ave
San Bruno, CA 94066 USA

2. Meta Platforms, INC
Office at: Unit 28 and 29
the executive centre, level-18,
DLF Cyber City, Building no. 5,
Tower A, Phase III
Gurgaon 122002, India

3. John Doe/Ashok Kumar

ORDER

1. Vide this order, this Court shall disposed off the application filed under Order XXXIX Rule 1 & 2 CPC filed on behalf of the plaintiff.

FACTUAL MATRIX

2. The present plaint is being instituted by Mr. Manoj Kesarichand Sandesara ("plaintiff herein") seeking damages, permanent and mandatory injunction to remove disparaging, defamatory and false content created by various media houses, intermediaries and searched upon and uploaded on the domain of Google LLC ("defendant no.1") about the plaintiff through various news channel from all its media outlets including TV channel, YouTube Channel Worldwide. The plaintiff is seeking to remove the malicious and palpably false content, which is directly damaging his fundamental rights of privacy and reputation. The plaintiff belongs to one 'Sandesara' family who owned the Sterling Group of Companies, including

but not limited to Sterling Biotech Limited. The plaintiff has also been a director in Sterling Group of Companies namely Blue Mark Mercantile Limited and Navseema Properties Private Limited etc.

3. Sterling Biotech Ltd was pioneer in India to produce Gelatine as per USA and European standards, which opened the doors of western markets for Indian Pharmaceutical companies. The first plant was set up by Sterling Biotech Ltd (SBL) in 1997 and thereafter, SBL set up plants to manufacture anti-cancer drugs, which led to huge reduction of prices of anti-cancer drugs in India. It is averred, that SBL Group has been availing bank credit facilities from the last 25 years and has set up various high-tech projects with a credible track record. It is further voiced, that SBL has paid off dividends as high as 50% to its shareholders since its incorporation till 2010.

4. It is contended further, that all the major accounts of the group became NPA by the end of financial year 2011-12 which are based upon various external factors beyond its control like regulatory changes, project overrun however, it remains undisputed that the group has been repaying the loan amount for last several years after credit facilities were extended to it. The lenders have granted no new additional financial facilities to SBL since June, 2011 but only the restructuring/refinancing schemes were granted for the resolution of the debt.

5. The entire outstanding principal of Rs. 7,626/- Crores also included two loans given to foreign companies of the group i.e. Atlantic Blue Water Services Limited and British Oil & Gas Limited. The original loan amount was US \$ 80 million each in both the above companies and at present the said outstanding is reduced to US \$ 10 million and US \$ 25 million, respectively. Further, in order to show their bonafide, the promoters had offered the Banks with additional security (though not sought by them) in the form of Nigerian Oil Block OML143 when in fact, only five banks were having security of this Oil Block for a much lesser amount, valued at US \$ 3,071.43 million in the year 2016, which was much more than the entire loan amount including all the domestic and international companies of the group. This was a significant asset which was provided to the banks. Suffice it is to mention, that OML owned by Sterling Oil Exploration & Energy Production Co Ltd (SEEPCO) is an asset of SGORPL.

6. In 2014, banks accepted the offer of taking additional securities and agreed to restructure the complete loan by granting a credit facility to Sterling Global Oil Resources Limited, Mauritius on exposure neutral basis whereby, bank's overall exposure to the group would reduce and banks will get very valuable additional security of US \$3 billion. For restructuring and refinancing, banks had put a condition that the plaintiffs should bring \$100 Million (Rs.650 crores) upfront and should pay up the NPA dues of the SBL group companies and its associates. Once both these conditions got complied with, then banks will issue equivalent amount of standby Letter of Credit (SBLC) to Sterling Global Oil Resources Limited (SGORPL)

Mauritius. In terms thereof, the plaintiffs brought an upfront amount of \$100 Million (₹650 crores) and paid up the outstanding dues of companies of individual banks which in turn, issued equivalent or lesser amount of SBLC to SGORPL. This way banks recovered outstanding dues of SBL and associates. Further, the banks recovered more than ₹1,000 crores on net over all basis and got the additional securities of the oil block valued at \$3 Billion. This bank facility was only for the purpose of restructuring of loans of Indian companies and was granted to Sterling Global Oil Resources Limited (SGORPL), Mauritius. SGORPL paid back to banks nearly Rs.1,100 Crore as interest and installment (in addition to ₹1,000 crore mentioned above in this clause).

7. The banks, considering the long standing and unblemished relation with the group has successfully negotiated a One Time Settlement (OTS). The total amount of OTS was approved as ₹6457 Crores (₹3826 Crores towards Group's Indian Companies and INR 2631 Crores towards Group's Foreign Companies). The banks gave their due approval by way of necessary letters and the promoters had already paid an upfront 10% (approximately) of the OTS amount to the tune of ₹614 Crores. However, in view of various exigencies including the extraordinary unforeseen circumstances on account of Covid 19 pandemic and various extraneous circumstances created at the hands of Law Enforcement Agencies, the OTS for Indian Companies got scuttled as banks were pressurized to opt for liquidation wherein Sterling Biotech was liquidated for a paltry sum of ₹638 Crores and PMT Machines for a meager sum of ₹265 Crores in spite of the fact

that Promoters already paid a substantial sum towards OTS. The Promoters with a view to resolve the issues paid a total payment of ₹2042.63 Crores in addition to payment of ₹614 crores already paid which total makes the payment made by the Promoters to the tune of ₹2656.63 Crores.

8. M/s Sterling Biotech Limited ('SBL') Group comprised of businesses in India and abroad. SBL Group had been availing bank credit facilities from various Indian banks for the last 25 years and have been faithfully repaying the loan amounts without any default. However, in or around the end of Financial Year 2011-12 owing to various external factors such as environmental regulatory changes and international market situation which were beyond SBL's control, major accounts of the company became NPA. Sincere efforts were being made by the plaintiffs/Promoters to resolve the debt by entering into restructuring/refinancing schemes with the banks. However, in the year 2017 various proceedings were launched against the SBL Group, as detailed in the plaint. Promoters approached the Hon'ble Supreme Court vide writ petition Criminal 48/2020 inter-alia seeking various reliefs, pertaining to quashing of all proceedings initiated against them by various agencies such as CBI, ED, SFIO etc. on the allegations of non-payment of credit facilities availed by M/s Sterling Biotech Limited Group of Companies as it was urged that the proceedings initiated against them are absolutely misconceived and untenable.

9. Accordingly, considering the above, Hon'ble Apex Court had passed various orders from time to time. The details of some relevant orders may be summarized as under:-

DATE OF ORDER	RELEVANT EXTRACTS
07.02.2020.	<p>Learned senior counsel for the plaintiff states that banks are willing to close the issue and he has obtained OTS from about fifteen out of twenty banks. It is his submission that if notice is issued to the defendants, he can resolve the issue with the banks and in the meantime would pay further substantive amounts to the banks. It is his further submission that sword hanging of the criminal prosecution is creating some difficulty.</p> <p style="text-align: center;">Issue notice on the writ petitions as well as on the applications for stay, returnable in three weeks.</p>
18.11.2021.	<p>In view of the averment made in the application(s), what is being pleaded is that since the total amount stated to be due from the plaintiff is little over rupees 1500 odd Crore out of which Rupees 600 crore is alleged to have been repaid to the banks and the outstanding is little more than rupees 900 crore, the plaintiff is willing to pay the amount within the period of three months. That could possibly bring all</p>

	<p>the disputes to an end.</p> <p>Learned ASG would like to obtain instructions in the said context of facts and figures.</p> <p>List on 16.12.2021.</p>
18.01.2022.	<p>In view of the fact that the entire amount in respect of which charge sheet has been filed has been volunteered to be paid by the plaintiffs, we really see no reason why the money should not be received but then the excuse given today is such that we don't want to say anything more, except that all proceedings must remain in abeyance till we consider the matter.</p>
01.02.2022.	<p>We have put to the learned ASG that if the plaintiff is willing to bring in Rs.900 odd crores, he may obtain instructions as to what concessions the State is willing to show in respect of the charge-sheet in question, making it clear that other civil proceedings in any case will be determined on their own merit.</p> <p>List on 08.03.2022.</p> <p>Interim order dated 18.01.2022 to continue.</p>
26.04.2022.	<p>Interim order for all proceedings arising from the predicate offence qua all investigating agencies to remain in abeyance as directed on 18.01.2022.</p>

	List on 20.05.2022
20.05.2022	On mentioning, it appears that there appears to be some misconception on the website of the Supreme Court in noticing that the interim order has been kept in abeyance while the order dated 26.04.2022 was for all the proceedings arising from the predicate offence to be kept in abeyance. Ordered accordingly."
13.02.2024.	<p>"We have perused the orders passed in the instant petitions more specifically, the orders dated 07.02.2020, 18.11.2021, 16.12.2021, 18.01.2022, 01.02.2022, 27.04.2022, 05.09.2022 & 09.01.2024.</p> <p>Mr. Hemant Shah, learned counsel for the plaintiff(s) appearing in Writ Petition (CrI.) No. 37/2020 and Writ Petition (CrI.) No. 48/2020 under instruction states that the plaintiffs undertake to deposit a sum of Rs. 900 Crores in the Registry of this Court within a period of three weeks from today.</p> <p>The statement is accepted and taken on record.</p> <p>Also, in the event of default, all interim orders of protection shall be deemed to have been vacated automatically."</p>
04.03.2024.	Learned Senior Advocate appearing for the applicants/plaintiffs states, on instructions, that about

	<p>USD 50 million (Rs. 415 crores, approximately) have been transferred to the Bank recovery account. Another amount of USD 50 million (Rs. 415 crores, approximately) will be transferred to the bank recovery account, during the course of the next three days.</p> <p>It is also stated at the Bar on behalf of the applicants/plaintiffs that another payment of USD 100 million will be made within a period of eight weeks from today.</p> <p>Re-list in the week commencing 06.05.2024.</p>
10.05.2024.	<p>That payment of USD 100 million (Rs.834 crores, approximately) in terms of the second paragraph of the order dated 04.03.2024, which was to be made within eight weeks, has only partly been made. The balance amount in terms of the statement, would be paid within a period of four weeks from today, failing which the present writ petition may be dismissed.</p>
27.10.2024.	<p>Prima facie, we are of the view that this writ petition does not require further orders and directions. However, at the request of the learned counsel for the respective parties, re-list in the week commencing 15.01.2025.</p>

	<p>IA Nos. 216481/2024 and 216482/2024</p> <p>We are not inclined to entertain the present applications for Intervention /impleadment and for directions but only clarify that the applicant, the new management of M/s Sterling Biotech Limited, will be entitled to press its application for discharge before the trial court. Notwithstanding the interim order passed by this Court in this writ petition, it shall be open to the trial court to decide the said application.</p> <p>It will also be open to the applicant, M/s. Sterling Biotech Limited, to press for early hearing of the application.</p> <p>Recording the aforesaid, the present applications are dismissed.</p>
19.11.2025.	<p>12. In view of the foregoing, subject to deposit of Rs.5100 crores as indicated towards full and final settlement with the lender banks and investigating agencies, these petitions deserve to be allowed granting the following reliefs:</p> <p>i. The Writ Petitions filed by the plaintiffs are allowed directing quashing of the proceedings as indicated in relief clause (i) to (x) quoted herein-above in paragraph 1 of this order. The said quashing would be operative on deposit of Rs.5100 crores as a full and</p>

final payment based on consensus, on or before 17.12.2025.

ii. The said amount be deposited before the registry of this court on or before the dates as specified in clause (i) above, permitting the plaintiff to make the deposits in separate tranches and dates. On receiving the amount, it shall be kept in the short time interest bearing fixed deposit account in any of the nationalized bank till its disbursement.

iii. Upon submitting the claims, the deposited amount shall be disbursed to the respective lenders bank on proportionate basis in reference to the amount due towards them. The registrar, (judicial administration), shall verify the details of the amount due, proportionate entitlement and accordingly disburse the amount in the account of the respective bank. The register is at the liberty to take assistance of the account personnels, if needed.

iv. Registrar (Judicial Administration) is further at liberty to the seek clarification, if needed from the Bench, on the issue of the Proportionate disbursement.

v. In consequence of the above, the litigation with respect to the loan amount of the plaintiffs for which

	<p>the FIR was registered, and the OTS was sanctioned and approved, shall be put to the end by the way of full and final settlement as per consensus, and this litigation shall be put to the quietus.</p> <p>vi. These directions are issued are peculiar facts of this case, therefore, they shall not be treated as Precedent.</p> <p>vii. Accordingly, both the writ petitions are allowed and be treated as disposed-of in above terms. Pending applications, if any, shall stand be treated disposed-of.</p>
17.12.2025.	<p>Upon hearing the counsel, the Hon'ble Supreme Court made the following order:</p> <ol style="list-style-type: none"> 1. In continuation of the order dated 19.11.2025 passed in petition, (Criminal) No. 48 of 2020, and connected petition (Criminal) No. 37 of 2020, the plaintiffs by filing affidavit dated 10.12.2025 submits that they have deposited the amount as directed and by the abundant caution, with some additional amount for compliance. 2. As per office report dated 16.12.2025, the amount deposited comes to Rs.51,11,43,36,390.40/-. As such, the order dated 19.11.2025 of this Court with respect to deposit has been complied with. Learned

Additional General has not disputed the said fact and the report submitted by the office.

3. As such the directions issued in paragraphs 12(i) and 12(ii) of the order dated 19.11.2025, the amount has been deposited well in time. Therefore, the directions in paragraphs 12(iii) and 12(iv) to disburse the deposited amount of Rs. 5100 crores to the respective lender Banks on proportionate basis, shall be immediately complied with by the Registrar (Judicial Administration) after verification and the amount be transmitted into the accounts of respective Banks. In consequence on the consent of the parties, as per the direction in paragraph 12(v). we make it clear that the FIR registered and investigation, if any, done by CBI, ED, attachments under PMLA, Fugitive Act, SFIO, pertaining to black money and income tax, be quashed. Since the quietus has been put to all investigations and litigation as per the directions, however, the investigating agencies shall communicate the decision regarding closure of all the proceedings at all levels including at airports Ministry of Foreign Affairs.

4. Mr. Mukul Rohatgi, learned senior counsel and the learned Additional Solicitor General has fairly agreed that the amount in addition to Rs. 5100 crores

deposited by the plaintiffs and lying with Bank of Maharashtra, Supreme Court Branch, may be immediately transferred and transmitted to the account of Supreme Court Legal Services Committee along with interest for its utilization on discretion of the Committee for benevolent causes.

5. In view of the office report and the affidavit filed by the plaintiffs, we close these proceedings in full compliance disposing of this miscellaneous application.

10. It is contended from the above, that the Hon'ble Supreme Court on 18.01.2022 found substance in the grounds urged by the Promoters and was pleased to put in abeyance all the matters with respect to all investigating agencies. The said order was publicly available and was accessible by way of media reports to all concerned. Despite of the said order passed by the Hon'ble Supreme Court various media reports kept on reporting baseless facts and sensationalized the entire case without being apprised of the true and correct facts. It is further contended, that when the Apex Court of the country had stayed all the proceedings, the media houses should have refrained themselves from reporting anything but judicial proceedings, however the same was not adhered to. The media houses exploited and used the platforms of Defendants No. 1 and 2, to spread the said news without any restraint. The contents of the said videos/ reports are libelous in nature and the media houses with aide of Defendants No. 1 and 2 have stated all

misleading, false and fabricated averments in the said video/ reports. The media houses and defendants are responsible in airing/ circulating the defamatory statements being clothed with the illusion of publishing veracity. There has been no attempt to report an unbiased or fair version of the facts. The unambiguous conclusion that any person could arrive at after viewing the said video/ reports is that the family of the plaintiff have siphoned huge public money and have fled from the clutches of law. It is submitted, that there is nothing to indicate a mistake or a bonafide error. The entire contents of the said video/ media reports are defamatory inasmuch as they are based on false and fabricated allegations with the sole intention to defame the plaintiff and his family.

11. It is stated, that the relevant contents from the video/ reports which reflects the defamatory content uploaded/aired by the Defendants are enumerated as under:

- i). "Fugitives"
- ii). "bank fraud"
- iii). "siphoning public money"
- iv). "defrauded banks"
- v). Money laundering
- vi). PMLA: A list of all URLs as appearing on the search engine/portal of Defendant No. 1 and 2 with such defamatory content.

12. It is insisted, that the reputation of the plaintiff and his family name has been tarnished by the media houses with the aid of Defendants 1-2 and by such acts of defamation slander and libel, which by way of the aforementioned videos/reports have been uploaded on the "YouTube" website, also on their channel aimed to cater the public at large, which refer to the plaintiff and his family members by name with the malicious intent of causing harm to them, which have no basis or foundation in truth or reality, and are really unsubstantiated allegations under the garb of illusion of veracity by media houses. The said videos/ reports have been uploaded with malafide intention on the part of the Media houses with Defendants 1 and 2.

13. The entire contents in the said videos/reports/links are defamatory statements amounting to libel and slander that have emanated from various media houses which implies loss to the general public and government organizations. It is stated, that the said contents are without any basis, are false and unfounded and besides being per se defamatory, have resulted in the lowering of and damage to, the reputation, image and goodwill of the plaintiff and his family. Thus by known and unknown persons with vested interest, the said video/ reports have been uploaded not only to defame the plaintiff, his family and business house in public at large but to prejudice the business and legal interests of the plaintiff. The said publication/videos and articles have lowered down the dignity and respect among the public at large. The availability and accessibility of the said articles despite the exoneration of all the individuals and entities is causing loss to the plaintiff in terms of financial and business opportunities.

14. It is averred, that the trail of stories and articles continue to remain available against the plaintiff without being de-indexed, de-referenced or deleted. The take down of said defamatory articles (as detailed in the plaint) as well as de-listing, de-indexing and de-referencing of the said URL Links is necessitated as plaintiff has the right to forgotten as the same has been recognized by Delhi High Court in the case *Rakesh Jagdish Kalra vs. India Today Group & Others, 2024 SCC OnLine Del 5113*; wherein reliance has been placed on *K. S. Puttaswamy (Retd) vs. Union of India (2017) 10 SCC1* and *XXXX vs. Registrar General*, High Court of Karnataka, 2024 SCC Online Kar 18.

15. In the last leg of argument, it is submitted that since no criminal case is pending against the plaintiff, his family and business and they stand exonerated from the case, they are entitled to the reliefs claimed for. The plaintiff has a right to live with dignity and the articles published with the name of the plaintiff or his family cannot be allowed to perpetually remain on the online portals/ platforms. The permanence of digital information and easily accessible online records are causing potential harm to the plaintiff despite his exoneration from the case. With these submissions, following prayers are made:

1. Pass an injunction restraining the defendants no. 1 to 3, their agents, employees, or any person acting on their behalf, from publishing, re-publishing, or circulating any further content in relation to the plaintiff and his family name concerning the case of Sterling Biotech Limited and bank fraud;

2. Pass an injunction directing the defendants no. 1 to 3, their agents, employees, or any person acting on their behalf to de-index, de-list and de-reference the URLs and content of the said articles as detailed in annexure A/1 of the plaint and such other links not known to the plaintiff relating the subject matter in issue from their respective website till the pendency and final disposal of the present suit;

3. Pass an mandatory injunction directing the defendant no. 1-2 to de-index, de-list and de-reference the URLs and content of the said articles of the media houses as detailed in document no. 1 of the plaint and such other links not known to the plaintiff relating the subject matter in issue from its scratch engine results, till the pendency and final disposal of the present suit

16. In support of its contention, plaintiff has further placed reliance on the following judgments in addition to the judgments and extracts enumerated in the plaint.

i) Naresh Kumar Vs Wire & Ors (2023, SCC, Online, DEL 7314)

ii) Rajat Sharma Vs X CORP. (formally twitter) & Ors. (2024, 5 HC Cases, DEL 157)

iii) Shama Mohamed Vs Sanju Verma & Ors (2024, SCC, Online DEL 7549)

- iv) M.P. Lohia Vs State of West Bengal & Anrs. (2005, SCC, Online SC 231)
- v) Shyam Jaju & Anrs. VS Saurabh Bhardwaj and Ors. (order dated 24.02.2023)
- vi) Shravan Gupta Vs Directorate of Enforcement through its Director (2025 SCC Online DEL 8221)
- vii) Rajbhushan Omprakash Dixit Vs Punjab National Bank Through Chariman & Ors W.P. © 13454/2024 & CM Appl. 56232/2024
- viii) Times City infrastructure and housing limited Lucknow Vs State of U.P. and Others Special leave petition, civil no. 21747/2025
- ix) Shambhu Dutt Dogra Vs Shakti Dogra and ors IA no. 13139/2011 in CS (OS) 1163/2011
- x) Hari Chand Vs Panchayat Mohalla Soodan, CR No. 8999 of 2017
- xi) Ved Prakash Sharma Vs Lachmi Chand Sharma, C.R. No. 331/98
- xii) Shreya Singhal Vs Union of India, decided on March 24, 2015
- xiii) Taj Television Ltd. & Anr. Vs Rajan Mandal & Ors
- xiv) Ravi Shankar Vs John Doe(S)/ Ashok Kumar(S) and Ors, CS (COMM) 889/2025 & I.A. 20793-20797/2025
- xv) Jiostar India Pvt. Ltd. Formerly known as Star India Pvt. Ltd Vs [HTTPS//CRICK.COM](https://crick.com) & ORS., CS (COMM) 566/2025
- xvi) Star India Pvt. Ltd. & Anr. Vs Oxibuzz.com & Ors., CS(COMM) 250/2020 and I.A. 2285/2024

- xvii) Khawar Butt Vs Asif Nazir Mir and Ors, CS(OS) 290/2010
- xviii) Ajai Agarwal Vs IBNI8 media & Software Limited & ors, CS(OS) 21/2017
- xix) Universal City Studios Productions LLLP & ors. Vs ISADUB.SPOT & Ors. CS(COMM) 1009/2025 & I.A. 23855-60/2025
- xv) Deoraj Vs State of Maharashtra and Others (2004) S SCC 697
- xvi) Subramanian Swamy Vs Union of Inida, 2016 7 SCC 221
- xvii) Swami Ramdev Vs Juggernaut Books Pvt. Ltd & Ors. 2018: DHC : 6332
- xviii) Vinai Kumar Saxena Vs AAM Aadmi Part and ors (2002) SCC Online Del 3093
- xix) Smriti Zubin irani Vs Pawan Khera & ors., SC (OS) 436/2022
- xx) Gaurav Bhatia Vs Naveen Kumar & Ors. CS (OS) 274/2024 DHC Dated 16.04.2024
- xxi) Kairaviview (OPS) Pvt. Ltd. & ors. Vs Hindustan times/Mint & Ors., SC (OS) 403/2022
- xxii) Bloomberg Television Production Services India Pvt. Ltd. & Ors Vs Zee Entertainment Enterprises Ltd. 2025 1 SCC 741
- xxiii) Rajatarangini India Media Pvt. Ltd. & Anr. Vs Sanjay Sharma & Ors SC (OS) 558/2024

xxiv) Dhanya Rajendran & Anr. Vs Galaxy Zoom India Ovt. Ltd. & Ors. SC (OS) 540/2024

xxv) Anjali Birla Vs Shri Om Birla CS (OS) 573/2024

xxvi) Shaviya Sharma Vs Squint Neon & Ors. CS (OS) 134/2024

xxvii) Global Health Ltd. & Anrs. Vs John Doe & Ors. CS (COMM) 6/2025

xxviii) Ymi Ghar Soaps Pvt. Ltd. Vs Ashok Kumar Trading as Bendist Export hamare Ghar Ka Soaps and ors. MANU/DEOR/92665/2025

CONTENTIONS OF DEFENDANT NO. 1.

17. Defendant no. 1 though has filed an application under Order XXXIX Rule 4 CPC but has submitted that the said application be also treated as reply to the application of the plaintiff under Order XXXIX Rule 1 & 2 CPC. So for the purpose of adjudication of the instant application, the contents of defendant no. 1 application be read as its averments for the plaintiff application filed under Order XXXIX Rule 1 & 2 CPC.

18. It is submitted, that the present application has been preferred by the applicant/defendant no. 1 seeking vacation of the ex-parte ad interim order dated 04.04.2026 passed by this Court, which has been obtained by the plaintiff by suppression of material facts, misrepresentation of law and without impleading necessary and proper parties.

19. It is averred, that the defendant no. 1 is an intermediary within the meaning of Section 2(1)(w) of Information Technology Act, 2000 and operates platforms such as Google Search and YouTube, which merely host or index third-party content. It is submitted, that the defendant no. 1 neither creates, authors nor exercises editorial control over the content available on such platforms. It is further stated, that the defendant no.1, acting bonafide and strictly without prejudice to its rights and contentions, has complied with the impugned order to the extent feasible, by de-indexing/disabling such URLs as were specifically identifiable and available on its platforms.

20 It is further averred, that the plaintiff, in the absence of the defendant no. 1 and other concerned parties, has misled this Court into passing an over-broad and untenable ex-parte order directing removal/suppression of approximately 78 URLs. It is submitted, that a bare perusal of the documents filed along with the plaint would reveal, that the impugned content has been published and uploaded by various independent third-party news publishers and media houses, and not by the applicant. Despite being aware of the identities of such publishers, the plaintiff has deliberately failed to implead them as parties to the present suit, thereby circumventing their right to be heard and rendering the present proceedings legally defective.

21. It is contended, that the present suit is ex-facie not maintainable and is liable to be dismissed, inter alia, on the ground of limitation. It

is stated, that the majority of the impugned articles and videos were published more than one year prior to the institution of the suit. As per the provisions of the Limitation Act, 1963, the limitation period for filing a civil suit for defamation is one year from the date of publication. It is further stated, that the cause of action in cases of online defamation is not a continuing one, and mere continued availability of the content does not extend the period of limitation. Accordingly, the present suit, insofar as it pertains to such content, is barred by limitation.

22. It is further alleged, that the plaintiff misconceived in suggesting that there exists a 'right to be forgotten' in respect of the impugned content. The present Indian laws neither provide for any right to be forgotten nor recognize any basis for the same and this has been consistently clarified by the Hon'ble courts.

23. It is further affirmed, that the plaintiff, under the guise of the present suit, seeks enforcement of an alleged "right to be forgotten", purportedly emanating from the right to privacy under Article 21 of the Constitution of India. It is contended, that such a right, even if assumed to exist, is a facet of fundamental rights and cannot be enforced by way of a civil suit, but only through appropriate proceedings under writ jurisdiction. It is further stated, that there exists no statutory recognition of a general "right to be forgotten" under the extant laws in India, including the Digital Personal Data Protection Act, 2023.

24. It is also alleged, that the impugned order is contrary to settled principles of law governing freedom of speech and expression, as it seeks to restrain publication and access to news reports pertaining to judicial proceedings and matters of public record. It is submitted, that the impugned URLs primarily consist of news reporting by reputed media houses relating to criminal and regulatory proceedings involving the plaintiff and its group companies. Such reporting is truthful, based on public records, and is in public interest. It is a settled position of law, that reporting of court proceedings and public records does not violate any right to privacy and cannot be restrained.

25. It is further purported, that the plaintiff has misled this Court by relying upon inapplicable, non-binding or interim precedents, while deliberately suppressing binding judicial pronouncements which clarify that no “right to be forgotten” exists in respect of court records and proceedings. It is submitted, that the issue of “right to be forgotten” is presently under consideration before the Hon’ble Supreme Court and has not been crystallized into enforceable law.

26. It is further averred, that the applicant, being a passive intermediary, is entitled to Safe Harbour Protection under Section 79 of the Information Technology Act, 2000. It is stated, that under the statutory framework and judicial precedents, an intermediary is obligated to act only upon receipt of a valid court order directing removal of specific content identified by URLs. The impugned order,

however, erroneously directs the applicant to proactively monitor and disable content, including future content, without adjudication, which is contrary to the law laid down by the Hon'ble Supreme Court and amounts to imposing an impermissible obligation upon the applicant.

27. It is also affirmed, that the present suit is bad for non-joinder of necessary parties, as the actual authors, publishers and originators of the impugned content have not been impleaded. Any relief, if at all, ought to have been sought against such parties after affording them an opportunity of being heard. The plaintiff has deliberately avoided impleading such parties in order to obtain an ex-parte order against the Applicant, which is merely an intermediary.

It is further stated, that the plaintiff has sought to expand the scope of the impugned order by notifying additional URLs for removal without any judicial determination, which is contrary to the statutory scheme and settled legal position that only courts are competent to adjudicate upon the legality of content. It is also contended, that the present suit is not maintainable to the extent it seeks to allege defamation on behalf of third parties, including family members of the plaintiff, as defamation is a personal cause of action and cannot be pursued in a representative capacity.

28. In view of the aforesaid facts and circumstances, it is respectfully submitted that the impugned ex-parte order has been obtained by suppression of material facts and misapplication of law, is legally

unsustainable, and is liable to be vacated forthwith in the interest of justice.

Apart from the above detailed citations, defendant no. 1 has further placed reliance upon other judgments with respect to which they have place compilation of judgments on record.

1. Jorawar Singh Mundy Vs Union Of India and Ors (order dated 23.08.2021)
2. IE Online Media Services Private Limited Vs Nitin Bhatnagar & Ors.
3. Rakesh Jagdish Kalra @ Rakesh Kalra Vs The India Today Group & Ors. (order dated 20.05.2025)
4. R. Rajagopal Alias R.R. Gopal and Another Vs State of T.N. And Others
5. Harvest Securities Vs BP Singapore, SC (OS) no. 103 of 2013 order dated 11.11.2014
6. Ms. Ruchi Kaira & Ors Vs Slowform Media Pvt. Ltd. & Ors In CS (OS) No. 944 of 2024
7. Khawar Bhutt Vs Asif Nazir Mir & Ors (2013 (139) DRJ 157
8. Sasikala Pushpa Vs Facebook India & Ors In CS (OS) No. 510 of 2016
9. Wikimedia Foundation Inc. Vs ANI Media Privte Limited & Ors 2025 10 Supreme Court cases 353
10. Justice K.S. Puttaswamy Vs. Union Of India & Ors (2017) Supreme Courts

11. Bloomberg Television Production services India Private Limited & Ors Vs Zee Entertainment Enterprises Ltd. (2025) 1 Supreme Court cases 741
12. Lalit Valecha Vs Union of India in W.P (C) No. 5109 of 2021
13. The state of UP Vs Raj Narain & Ors (1975) 4 Supreme Court Cases 428
14. S. Khushboo Vs Kanniammal & Anr. (2010) 5 Supreme Court Cases.

CONTENTIONS OF DEFENDANT NO.2.

29. Defendant no. 2 though has filed an application under Order XXXIX Rule 4 CPC but has submitted that the said application be also treated as reply to the application of the plaintiff under Order XXXIX Rule 1 & 2 CPC. So for the purpose of adjudication of the instant application, the contents of defendant no. 2 application be read as its averments for the plaintiff application filed under Order XXXIX Rule 1 & 2 CPC.

30. It is contended by defendant no.2, that it provides the Facebook service (i.e. WWW.Facebook.com) and corresponding application for mobile devices, tablet and the Instagram service. Users of Facebook service and Instagram service in India enter into an agreement with meta when they register to use the platform. The Facebook service and the Instagram service are voluntarily online social networking services that allow users to connect and share information with their friends

and family as the users log into their accounts to create, upload and share posts, comments, photos and other content directly on to the Facebook service and Instagram service.

31. It is submitted, that the plaintiff is aggrieved by the alleged continued presence of articles, videos and posts on social media platforms that portrayed plaintiff and his family as fugitives, perpetrators of bank frauds, persons who have siphoned public money, defrauded bank or are involved in money laundering and PMLA related offenses and continued to publish and circulate such false misleading and defamatory allegation despite quashing of underlying proceedings by the hon'ble supreme court. Plaintiff has not identified the contesting content through any URL available on meta platform. It is voiced, that without prejudiced to its rights and contentions, none of the URL identified in document no. 1 of the plaint pertain to meta i.e. defendant no.2.

32. It is further submitted, that till date defendant no. 2 has not been served with summons in the suit or the complete set of pleadings and documents in accordance with provision under Order 39 rule 3 of CPC and that defendant no. 3 learnt about these proceedings as it was served with copy of an appeal filed by one of the publisher of the contesting content before this court. It is stated, that non compliance with the mandatory requirements to the proviso of order 39 rule 3 CPC vitiates the continued operation of ex-parte order as the plaintiff failed to

provide defendant no. 2 with copies of interim order, interim applications and the pleadings.

33. In support of its contention on this point, defendant no. 2 has placed reliance upon the following judgment:-

A) Shiv Kumar Chadda Vs Municipal Corporation of Delhi(1993) 3 SCC 161

B) Time City Infrastructure and Housing Vs State of Uttar Pradesh, 2025, SCC Online SC1674

34. It is further averred, that the interim order of this court may be vacated/modified to the extent it restrain defendant no. 2 from “*publishing, re publishing or circulating any further content in relation to plaintiff and his family name concerning the case of Sterling Biotech Ltd. and bank fraud*” without identifying any of the contesting content through specific URLs and also to the extent that it directs defendant no. 2 to “*de-index, de-list and de-reference the URLs and the contents of the said articles of the media houses as detailed in the plaint and such other links not known to the plaintiff relating the subject matter and issued from the search engine results, within 36 hours*” as

a) the order requires defendant no. 2 to proactively monitor the Facebook service and Instagram service in-contravention of IT Act.

b) the order does not identify any instance of contesting content by URLs, it is impracticable for defendant no. 2 to comply with the order

c) the order was issued erroneously against defendant no. 2 instead of actual publisher of the contesting content, all of whom appeared to be readily identifiable

d) the order erroneously issues a broad injunction concerning news or the content in contravention to the Hon'ble Supreme Court precedents

35. Accordingly, it is prayed that the interim order be vacated, set aside or modified to the extent prayed for herein.

36. It is further voiced on behalf of defendant no.2, that under Section 79 of Information Technology Act and the Hon'ble Supreme Court decision in Shreya Singhal case, intermediaries like defendant no. 2 may not be compelled to action unlawful consent, absent "actual knowledge" through a court order that clearly and specifically identifies such contents. The IT Act vide its amendment effective 27.10.2009, exempts intermediaries from liability of any third party information, data or communication link hosted or made available by such intermediaries. It is further voiced, that section 79(1) of IT Act has an overriding effect by virtue of Section 81 of IT Act.

37. It is further purported, that Facebook and Instagram services are platforms wherein third parties may upload contents and that defendant no. 2 is neither the author nor the publisher of any third party content on Facebook services and Instagram services, including contesting contents. Further it is submitted, that defendant no. 2 has no role in initiating, transmission, selecting the receiver of any transmission,

and/or selecting or modifying the information contained in any third party account, thereby asserting that defendant no. 2 is protected under Section 79, clause 1 of IT Act.

38. Another leg of arguments raised on behalf of defendant no. 2 is that, though there is exception to this immunity but the same does not apply here as an intermediaries liability for third party content on its platforms arises only where the intermediaries upon receiving actual knowledge from a valid court order or upon being notified by appropriate government agencies that unlawful act related to Article 19(2) of Constitution of India going to be committed, fails to action such material and as such, under Shreya Singhal an intermediaries is only required to act upon receipt of valid court order or upon being notified by the appropriate government agencies.

39. It is further argued, that the interim order does not identify the URLs of the contesting content and thus requires defendant no. 2 to proactively monitor its platform including the Facebook and Instagram for contesting content and such directions contravene Section 79 of IT Act. It is further affirmed, that the intermediaries cannot be required to exercise their own judgments on the lawfulness of the content and in reaching its decision, the Hon'ble supreme court observe that Section 79 as an exception provision is closely related to section 69A "the intermediary applying its own mind to whether information should or should not be blocked is noticeable absent in Section 69A read with

2000 rules”, with further observation that ‘the knowledge spoken of must only be through the medium of courts order.

40. It is further maintained vide the arguments, that the said reasoning stands reiterated in *Google India Pvt., Ltd., Vs Vishaka Industries* (2020) 4 SCC 162 at para 54 observing that compelling intermediaries to determine the lawfulness of the content would elevate them to super sensors.

41. The defendant no.2 relying on the same principal have further place reliance on a catena of judgments as under:

A) Sanu Bhattacharjee @ Kumar Sanu Vs Reeta Bhattacharya and Ors (order dated 04.03.2026)

B) court on its own motion Vs Inspector General of police, (order dated 01.12.2020 at para 7)

C) Facebook, INC Vs Sharmila Mandre and Ors; MFA number 796/2021 at para 8

D) Suki Sivam Vs Youtube and Ors; CS number 153/2021, Hon’ble Madras High Court

42. It is further avouched, that every webpage has a unique address on internet i.e. URL, which is a standardized protocol to identify and locate content and other resources on the internet. When issuing orders directing intermediaries to action unlawful content, courts have, 1) directed applicants to specify the URL of the unlawful content for court’s determination; and 2) where unlawful, issued orders specifying

the URLs that intermediaries must action. On this basis, it is asserted that the interim order does not identified any instances of content available on defendant no. 2's platform by URL, and instead broadly restrain it. In the absence of URL for each specific instance of the contested content or any other defamatory content allegedly available on Facebook and Instagram, defendant no. 2 can not comply with the any take down directions.

43. It is submitted, that defendant no. 2 merely an intermediary providing platform to third party to upload content and he is neither 'the author nor the publisher of the third party content including the alleged contesting content and therefore he does not have the actual knowledge of the contesting content. Thus, asserting that the applicant's relief in the plaint and interim application should be addressed by alleged publisher of the contesting content who was easily ascertainable and appear to be prominent news media organizations but the plaintiff has not impleaded these entities as named parties to this suit.

44. It is further argued, that John doe defendant are impleaded only when there are unknown identities whose identities are neither known to the plaintiff nor ascertainable by him. However, that is not the case here as it is abundantly clear that all of the publisher of the contested content are news media organizations whose identities are readily known and publically available as document no. 1 annexed with the plaint itself clearly identifies, against each URL, the name of the

entity/news channel that posted or published the relevant content. Thus, this is not the case of genuinely unknown defendants or anonymous wrong doers whose identity could not, despite diligence, be ascertained at the time of the institution.

45. It is asserted, that submissions entailed above are based on prior decision of Hon'ble Delhi High Court that require that plaintiff not fight proxy battles against intermediaries where publishers of the content at issue are known, further placing reliance on *Asif Iqbal Tanha Vs State of NCT of Delhi, WP,(crl) 129/2020*.

46. It is contended, that the interim order impermissible issues a broad injunction on news worthy content and in support of the said contentions reliance is placed on the judgment of *Wikimedia Foundation, INC Vs ANI Media Pvt., Ltd. & Ors Civil Appeal no. 505/2025*.

47. It is further stated, that issue of broad injunction is particularly sensitive in the facts of the present case as it concern news worth contents and in matters of this nature the requirement of judicial caution is significantly heightened as injunctive directions directly implicate the constitutionally protective right to freedom of speech and expression, thereby placing reliance upon the judgment of Hon'ble Supreme Court in *Bloomberg Television Production Services India Pvt. Ltd. Vs Zee Entertainment Enterprises Ltd., 2024 SCC Online SC 426*.

48. In addition to the above mentioned judgment as relied upon by defendant no.2, assistance is also placed upon the following judgment/orders:

1) Smriti Zubin Irani Vs Pawan Khera & Ors (order dated 29.02.2024)

2) Khawar Butt Vs Ashif Nazir Meer & Ors (order dated 07.11.2013)

3) Shreya Singhal Vs Union of India (2015) 5 SCC

4) Nandamuri Taraka Rama Rao Vs Ashok Kumar/John Doe & ors, (order dated 02.12.2025)

5) Google India Private Limited Vs Visaka Industries

CONTENTIONS OF DEFENDANT NO. 3

49. It is contended by defendant no.3, that the plaintiff's application is entirely misconceived and contrary to law as he has failed to establish a prima facie case, existence of balance of convenience in its favour and has further failed to show any irreparable harm or injury that would result in the absence of an injunction order.

50. It is voiced, that defendant being a journalistic entity has the right to freedom of speech and expression under Article 19(1)(a) of constitution of India and therefore it has a duty to inform the public about current event pertaining to matter of public concern.

That the impugned articles and the videos show that the same are factual pieces reporting that allegation of bank fraud were leveled against the plaintiff family and Sterling Bio Tech Ltd.

51. It is further submitted, that the present civil suit does not attract the territorial jurisdiction of Delhi courts as plaintiff is resident of Mumbai and the alleged defamatory content is available across India. Defendant no. 1 and 2 are proforma defendant whose main place of business in USA and the plaintiff has not taken into consideration of various John Doe defendants. It is further averred, that where the wrong has been done within the jurisdiction of more than one Court and the wrong has not been done within the jurisdiction of the Court in which the defendant reside, the plaintiff must sue at a place where maximum wrong has been done, which normally shall be where he is a resident. No maximum wrong has been stated in the plaint, barring the scant assertions that people in a motel located in Delhi told the plaintiff that they have distrust for him after seeing the videos and reading articles on World Wide Web.

52. It is further contended, that answering defendant is not named as defendant in the suit but is arraigned as defendant no.3 i.e. John doe. However, the impugned content identified in document no. 1 (at serial no. 4, 35, 42 and 69) of the suit contains at least three articles on the defendant no.3's website and one vide on the defendants no. 3's Youtube page(plaint, document-I).

53. It is further stated, that John Doe orders injuncting content is sought against persons whose identity is not known at the time of issuance of the order. John Doe/Ashok Kumar is a placeholder name

used against “unknown defendants”. Such orders by their very nature extend to unidentified persons and carry the risk of overboard. It is further stated, that in the present case, the order dated 04.04.2026 has casted a wide net in terms of the scope of the order being applicable to a range of parties who are not arraigned as defendants in the civil suit and extend to any voice or opinion against the plaintiff, the ‘Sandesara’ family, or Sterling Biotech Limited.

54. It is further voiced, that defendant no. 3 was never served with notice regarding this hearing, even though details of defendant no.3 are available on its website and in the public domain through ROC records. Further stated, that defendant no. 1 and 2 are also proforma defendants in the civil suit to ensure, that the alleged false and defamatory content is removed and taken down. The effective relief is against the various John Doe/Ashok Kumar defendants arraigned as defendant no.3, the failure to mention defendant no. 3 as a party is an action of gross negligence or bad faith that vitiates the grant of the ex-parte injunction.

55. Further, where an ex-parte ad interim injunction is granted, the opposite party against whom an order of injunction is passed is required to be served with the copy of the order alongwith the other relevant documents on the same day or next day and the plaintiff has to file such an affidavit of compliance in the Court. Permanent injunctions can only be passed against identified and named defendants. On an ex-parte ad interim injunction being granted against

John Doe/Ashok Kumar, the present defendant no. 3 could not have fulfilled the condition of the order dated 04.04.2026 of this Court and file such a compliance affidavit in 36 hours as stipulated.

56. It is further submitted, that defendant no. 3 was never served with any notice regarding the plaint or issued summons in the suit as a John Doe and thus the plaintiff adopted a bad faith legal strategy to defeat the statutory right of defendant no. 3 to seek remedy against ex-parte ad interim injunction.

57. It is further stated, that grant of ad interim ex-parte injunction functions like issuing a blanket permission to plaintiff against unknown defendants who have published anything remotely concerning the plaintiff and his family name concerning the case of Sterling Biotech Pvt. Limited and bank fraud, thereby allowing the plaintiff to seek a take down of articles, that though beyond the impugned content in the suit.

58. Although defendant no. 1 has removed the video impugned in the suit, it cannot delete the webpages impugned in the suit at document no. 1(at serial no. 4, 35, 42) de-indexing, de-referencing or de-listing merely removes the impugned content from the search engines of defendant no. 1 and 2 but such action per se does not take down or remove the articles even on interim basis.

59. It is further contended, that order dated 04.04.2026, does not fulfill the requirements for grant of ex-parte ad interim injunction as it misapplied the law laid down in the judgment of the Hon'ble Supreme Court "Bloomberg Television Production Service India (P) Ltd. Vs Zee Entertainment Enterprises Ltd. 2025".

It is also submitted, that the suit is barred by limitation and by delay and laches and therefore its prima facie not maintainable as the cause of action if any arose five to six years prior to the filing of the suit but the plaintiff chose to remain silent and approach the Court belatedly.

60. It is further voiced, that the order dated 04.04.2026 has been mechanically issued, with clear hast and without due application of mind and is liable to be set aside for this ground alone as it explicitly fails to identifies specific statement in the impugned content to be prima facie defamatory. Defendant no. 3 if at all stated any of the words or phrases as mentioned in para 12 of order dated 04.04.2026, the same were contextually warranted and factually true.

61. It is averred, that the order dated 04.04.2026 fails to identify which part of article is prima facie defamatory and thus the order has placed a disproportionate and over broad injunction on defendant no. 3. Further, order fails to examine the articles thoroughly as the plaintiff failed to produced the complete copies with the plaint or the documents and hence no substantial examination was undertaken of their content. In addition it is stated, that the order fails to provide any

explanation as to why the impugned content does not align with the secondary source sighted or hyperlinked in the relevant articles, tweets or videos. The order as submitted, does not demonstrate how it has determined that the interpretation from such secondary sources contradict the content published by defendant no. 3 and further fails to explain why generalist who discharges a constitutional duty of informing public on matter of legitimate concern should be silent without justification.

62. It is voiced, that the balance of convenience and irreparable loss lies in favour of defendant no. 3 as it is the duty of news agencies to report on such critical development including the resistance to the order of hon'ble Supreme Court from securities market regulatries.

63. That the order dated 04.04.2026, relies on a purported "right to be forgotten", which is yet to be codified in India. The other cases dealing with right to be forgotten, whether pending or decided by various High Courts, have been instituted as writ petition invoking constitutional jurisdiction under Article 226 and Article 227 of the constitution and the underlying proceedings are in nature of civil suit seeking enforcement of alleged right to be forgotten, which is impermissible in law.

64. It is stated, that the hon'ble Supreme Court of India has held that redaction, masking of names, or withholding publication of judgment within exception to principal of open justice and such exception are

confined to limited category of cases, including those related to sexual offences and proceedings under POCSO Act 2012, all where High Courts issued post forment orders in exercise of Article 226.

65. It is further submitted, that the existence, scope and contour of a right to be forgotten is presently sub-judice before the Hon'ble High Court of Delhi and such a right cannot be the basis for direct removal, take down, de-indexing of the impugned content. That, because of this uncertainty, the judges of Hon'ble High Court of Delhi have been noting that there is no binding of the right of forgotten from the digital records of the cases they were involved in. The right to be forgotten was discussed in case *K.S. Puttaswamy Vs Union Of India*, where the question of existence of right to be forgotten was not affirmatively decided, rather it was observed that Fit India were to recognize a similar right, such a right operates in a manner such that an individual who is no longer desirous of his personal data to be processed or stored, should be able to remove it from its system where the personal data/information is no longer necessary, relevant, or incorrect serves no legitimate interest.

However, where data carries a public interest nature or when personal data is of public value it cannot be no longer erased or forgotten memory of the press and the public.

66. Defendant no. 3 further submits, that the suit is barred by limitation and delay and laches and therefore not maintainable as cause of action

if any has arisen nearly 5-6 year prior to the filing of the suit but the plaintiff chose to remain silent and approach the Court only belatedly.

67. It is averred, that the Hon'ble High Court of Delhi has upheld the single publication rule in *Khawar Butt Vs Asif Nazir Mir and Ors*, 2013 and this judgment noted, that legislative policy would stand defeated if the mere continued residing of the defamatory material or article on the website were to give a continuous cause of action to the plaintiff for sue of defamation and libel. The only carveout made was that a fresh cause of action could arise only if there is/are publication resorted by the defendant with a view to reach the different or larger section of public in respect of defamatory articles.

68. The defendant no.3's publication concerned the Sandesara Group and Sterling Biotech Ltd., which was engaged in manufacture of pharma products and alleged to have been part of multiple bank frauds instead of engaging with the substance of these publication, the plaintiff has instituted the present suit with the object of silencing defendant no.3 as the underlying suit bears the characteristics of strategic law suit against public participation(SLAPP), intended not to vindicate legal rights, but to intimidate critics, burden them with litigation.

69. Thereafter, defendant no. 3 in its para wise reply contended, that any need for exparte ad-interim orders in the present case is unwarranted because of lack of territorial jurisdiction and the delays

and laches in approaching this Court. Defendant no. 3 further stated, that impugned articles and video are factual pieces reporting that allegations of bank fraud were leveled against the plaintiff's family and Sterling Biotech Limited. At no point has defendant no. 3 asserted that the allegations have been conclusively proven.

70. Further, defendant no. 3 in reply to para no. 2(b) asserted, that the Hon'ble Supreme Court merely allowed the plaintiff's family and Sterling Group's promoters to pay the due amounts and 'settle' the case instead of going into the merits and adjudicating on issues of liability. The Hon'ble Supreme Court did not make any observations regarding the allegations of bank fraud and money laundering, given that the settlement resulted in an admission that the plaintiff owned money to the public banks.

71. It is further averred that, the impugned content constitutes bonafide journalistic reporting based on publicly available information, analysis and secondary sources, relating to allegations and investigations of bank fraud involving the plaintiff's family and associated entities. The said content was published without any malafide intention and in exercise of the fundamental right to freedom of speech and expression on matters of public interest.

72. It is also averred, that the right to reputation is not absolute and must be balanced against the right to free speech. Truthful reporting, fair comment and analytical opinions, even if unflattering, do not

amount to defamation. The Impugned Content does not assert any conclusive findings of guilt but merely reports on allegations already existing in the public domain.

73. It is also stated, that the plaintiff has failed to establish a prima facie case, balance of convenience or irreparable injury. No specific instance of actual reputational harm or financial loss has been pleaded. Moreover, the impugned content does not specifically identify the plaintiff by name in several instances, thereby negating any direct cause of action for defamation. It is further voiced, that the reliefs sought by the plaintiff are vague, overly broad and in the nature of final reliefs, including de-indexing and removal of unspecified content, which are ex facie unsustainable in law.

74. In support of its contentions defendant no. 3 has placed primary reliance upon the following judgments:

- 1) *Bloomberg Television Production Services India Pvt. Ltd. Vs Zee Entertainment Enterprises Ltd., 2024 SCC Online SC 426.*
- 2) *R. Rajgopal @ R.R. Gopal & Ors. Vs State of Tamil Nadu & Ors (1994) 6 SCC 632*
- 3) *IE Online Media services Pvt., Ltd. Vs Nitin Bhatnagar & Ors (order dated 06.02.2026)*
- 4) *Boorgula Meher Thej Mehar Tej Vs Union of India and Ors. (order dated 15.04.2026)*
- 5) *Crop Care Federation of India Vs Rajasthan Patrika (pvt., Ltd., & Ors) (decided on 02.11.2009)*

- 6) *Sameer Dnyandev Wankhede Vs Red Chillies Entertainments (P) Ltd. 2026 SCC Online Del 333*
- 7) *Escorts Ltd. Vs Tejpal Singh Sisodia, 2019 SCC Online Del 7607*
- 8) *Kudla Rampage Vs harshendra Kumar D., 2025, SCC Online Kar 15588*
- 9) *Januki Kumari J.B. Rana Vs Ashok Kumar, 2017 SCC Online Del 7533*
- 10) *Sahara India Real Estate Corp. Ltd. Vs SEBI 2012 10 SCC 603*
- 11) *Tata Sons Limited Vs Greenpeace International , 2011 SCC Online Del 466*
- 12) *R.K. Roja Vs U.S. Rayudu, 2016 14 SCC 275*
- 13) *Asma Lateef Vs Shabbir Ahmad, 2024 4 SCC 696*

Accordingly, it is prayed that the present application be dismissed and the ex-parte ad interim order dated 04.04.2026 be vacated.

75. I have heard the rival contentions advanced on behalf of all the contesting stakeholders and I have perused the record carefully.

ANALYSIS AND FINDINGS AS UNDER:

76. As per the settled law, the relief of injunction is a discretionary relief and the party claiming it should prove the following three ingredients in his favour:-

- i) Whether the plaintiff has a prima facie case,

ii) Whether the balance of convenience is in favour of the plaintiff; and

iii) Whether the plaintiff would suffer an irreparable injury if his prayer for interlocutory injunction is disallowed.

77. Now this Court proceeds to see if these ingredients are fulfilled in the facts and circumstances of the present case. A prima-facie case means, that the plaintiff has to show a credible legal right and a reasonable basis for his claim, making it worthy of judicial consideration. The plaintiff has to prove the existence of prima facie case in his favour. The existence of a prima facie case and infraction of such right is a condition precedent for grant of temporary injunction. The prima facie case doesn't mean a case proved to the hilt. The only requirement is that on the face of it there should be a case in favour of the plaintiff. The Court at this stage cannot try to resolve a conflict of evidence or to decide questions of fact and law which call for detailed arguments and mature considerations.

78. In the instant case, heavy reliance has been placed on case law authority, namely Bloomberg Television (Supra), stating that the courts should be cautious enough while granting pre-trial injunction against media publications. Essentially, to the might of the court, the relief of injunction evolves from the basic theory of balancing of interest. This theory enunciated, that the two interests, i.e. the interest of the plaintiff on one hand and the interest of the defendants on the other hand, shall be balanced in a manner, that any act of either of them, should not affect the other party negatively. In the case in hand, the plaintiff being a businessman, alleges that

the alleged articles are carrying a negative impact on his image. However, on the other hand, it is alleged by the defendants, that no such negative impact has been caused by any of their publication, as the publications are based upon true reporting. Applying the theory of balancing of interest, this court believes, that indubitably there is freedom of press which is enshrined under Article 19 of Constitution of India, which provides that the publication of substantially true report of the proceeding of a court, or of the result of any such proceedings, for public good is within the realm of freedom of press, but that should not in any manner infringe the freedom granted to every citizen of India, including the plaintiff, vide Article 21, which talks about life and liberty and includes right to live with dignity.

79. Freedom of the press/media/social media/intermediaries etc. is not an unfettered right. This right is subject to reasonable restrictions entailed under Article 19 (2), especially when such expressions cause harm to reputation, prejudice ongoing proceedings, or interfere with the administration of justice. The Hon'ble Supreme Court of India in *Sidhartha Vashisth @Manu Sharma vs. State (NCT of Delhi) 2010 (2) ACR 1645 (SC)* stated that the freedom of speech protected under Article 19 (1)(a) of the Constitution, has to be carefully and cautiously used, so as to avoid interference in the administration of justice and leading to undesirable results.

80. In the case of *Secretary, Ministry of Information & Broadcasting, Govt. of India v. Cricket Association of Bengal [(1995) 2 SCC 161]* it has been held that:

"it is true that Article 19(2) does not use the words "national interest", "interest of society" or "public interest" but the several grounds mentioned in Article 19(2) for imposition of restrictions such as security of the State, public order, law in relation to contempt of court, defamation etc. are ultimately referable to societal interest which is another name for public interest" [para 189]. It has been further held that, "the said grounds in Article 19(2) are conceived in the interest of ensuring and maintaining conditions in which the said right can meaningfully be exercised by the citizens of this country".

81. Further, the judicial intent behind Article 19 (2) was reaffirmed in the High Court of Delhi Case in **Swatanter Kumar vs. The India Express Ltd. & Ors. (2014) 207 DLT 221** where Justice Manmohan Singh held, as under:-

"It is correct that freedom of expression in press and media is the part of Article 19(1) of the Constitution of India where by all the citizens have a right to express their view. However, the said right of the expression is also not absolute but is subjected to the reasonable restrictions imposed by the Parliament or State in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of Court, defamation or incitement to an offence.

The said position is clear from the plain reading of the Article 19(1) and (2) of the Constitution of India. [Para 32]”

82. Thus, the inescapable conclusion is that the freedom of speech under Article 19(1)(a) is not absolute. When media reportage goes beyond fair comment and results in defamation, prejudices public image of anyone, or interferes with the administration of justice, it falls within the scope of reasonable restrictions under Article 19(2). Hence, the defendants cannot claim blanket protection under Article 19(1)(a) for publications that harms the plaintiff's reputation and undermines the judicial process.

83. Now, to begin with as far as the elements of prima facie case is concerned, it was expected that the plaintiff should have brought to surface the facets of protected characteristics under law, thereafter showing adverse action by the defendant resulting in a casual link between the protected characteristics and the adverse action.

84. Before delving into the intricacies involved, it is apropos to reproduce the relevant portion of the order dated 17.12.2025 passed by the Hon'ble Supreme Court in Writ petition (criminal) no. 48/2020, as the entire claim of the plaintiff rests upon the same, which is as under:

“As such the directions issued in paragraphs 12(i) and 12(ii) or the order dated 19.11.2025, the amount has been deposited well in time. Therefore, the directions in paragraphs 12(iii) and 12(iv) to disburse the deposited amount of Rs.

5100 crores to the respective lender banks on proportionate basis, shall be immediately complied with by the Registrar (judicial Administration) after verification and the amount be transmitted into the accounts of respective banks. In consequence on the consent of the parties, as per the direction in paragraphs 12(v), we make it clear that the FIR registered and investigation, if any, done by CBI, ED, attachments under PMLA, Fugitive Act, SFIO, pertaining to black money and income tax, be quashed. Since the quietus has been put to all investigations and litigations as per the directions, however, the investigating agencies shall communicate the decision regarding closure of all the proceedings at all levels including at airports through Ministry of Foreign Affairs.”

85. Therefore, in the above backdrop and the rival contentions so agitated, in the considered opinion of this Court, Section 79 of the Information Technology Act, 2000 mandates even the intermediaries to comply with take down orders and any non compliance may result in making them lose the shield of ‘safe harbor’ as provided to them under Section 79 of Information Technology Act (hereinafter referred to as Section 79 of IT Act). There is no denial to the fact that defendant no. 1 and 2 are the intermediaries but the question here is not with respect to their direct liability but their obligation to comply with the directions of striking down the content pursuant to the directions so received. There cannot be a denial at this stage to the fact that defendant no. 1 and 2 have had the actual knowledge pursuant to the Courts

order regarding the taking down of the content and any failure to remove the content or disabling the access to the questionable material falls within the domain of flouting of the directions so issued. The plaintiff has fairly demonstrated a prima facie case in its favour as it has brought to the surface articles, that raises a serious question with respect to the reporting/posting falling within the ambit and framework of the same being objectionable, moreso after the order of the Hon'ble Apex Court dated 17.12.2025, thereby indicating that the plaintiff has a legitimate claim that requires protection at this stage, to publish beyond the import of the final order of the Hon'ble Apex Court dated 17.12.2025. The facts of the case prima facie show a substantial question, that needs evaluation, mature consideration and the same can be done only after proper appreciation of evidences lead by the parties in this regard. The evidence required for establishing a prima facie case does not need to be conclusive; it should merely be sufficient to support the claim at the initial stage. The Court does not need to determine the likelihood of success with conclusivity at this stage. It is further not out of place to mention, that a prima facie case is distinct from a full proof case; it does not guarantee a sure shot success at trial, but indicates that there should be enough merit to warrant future examination.

Further, the line of arguments, that unless the Court specifies the links/URLs to be taken down, the defendants are not obligated to do so upon mere communication by the plaintiff is also misplaced as the concept of dynamic + injunction is clearly recognized by law in catena of judgments. This Court take such assistance from the judgments titled as *Jiostar India Pvt. Ltd. (formerly known as Star India Pvt. Ltd. Vs <https://crick.com> & Ors.,*

CS(COMM) No. 566/2025. Relevant paragraph has been reproduced here under:

“37....g. ‘Dynamic + injunction is granted in favour of the plaintiff to protect its copyrighted works as soon as they are infringed/created. Consequently, during the streaming of the ITE 2025 if any further websites, such as mirror/redirect/alphanumeric variations of the “rogue websites” are discovered which are illegally streaming and communicating content over which the plaintiff has rights, the plaintiff will be at liberty to communicate the details of these websites to their concerned DRNs. If available, or in the alternative to the defendant no. 8 to 16 being the ISPs for blocking the said websites. As such, upon receiving the said intimation from the plaintiff the concerned ISP(s) shall take steps to immediately block the said “rogue websites” on real time basis.....”

That it is only if, upon initiation of blocking at the request of the plaintiff, if somebody opposes and disputes such blocking, that the matter is to be referred to Court, as held in order dated 12.01.2026 passed by the Hon’ble High Court of Delhi in the matter of Star India Pvt. Ltd. Vs Oxibuzz. Com, CS(COMM) no. 250/2020. The dynamic + injunction operates to mandate the intermediaries to take down violating URLs or links upon communication by the plaintiff.

86. Further, the information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (as amended in 2023 and 2026) clearly mandate that the intermediaries are to not only act as mere passive observers but also on their own take steps to protect the privacy of individuals as well act against violations of law once it has been concluded by the Court that particular subject matter is harmful to the reputation of the plaintiff, any publication involving such allegations is liable to be taken down by the intermediaries without insisting on a specific Court order in respect of specific URLs.

87. It is harped upon by the defendants, that these observations and findings of the Hon'ble High Court with respect to the concept of dynamic + injunction is applicable primarily to the cases of copyright however, this line of arguments does not cut much ice with the Court as it is the principal of law that has to be adjudged from the point of its applicability on a particular subject and simply because a particular finding and observation was given under a particular law, perse cannot eschew its applicability on any other law whereby it is otherwise applicable. It is further apposite to note, that defendants could not bring forth any finding to the effect that the principal of dynamic+ injunction is not otherwise applicable to the suit of the nature of permanent and mandatory injunction in general or that dynamic + injunction concept has its restricted applicability only to the suits of trademark or copyright nature.

Further, the Right to live with dignity is a fundamental right under Article 21 of the constitution of India. The fundamental right of the media to publish is subject to the right to live with dignity of the plaintiff under Article

21. The media cannot publish any material which is in reckless disregard of the truth or which is palpably false.

88. The labelling of the plaintiff as frauds, launderers, fugitives, economic offenders, cheats, etc. is palpably false and amounts to reckless disregard of the truth:

a) It has not been and cannot be dispute that the Supreme Court in March 2022 has kept criminal proceedings in abeyance and has in 2025 quashed all criminal proceedings against the plaintiff and others;

b) All the terms like ‘fraud’; ‘fugitives’; ‘laundering’ are statutorily defined in law under the companies Act, Prevention of Money Laundering Act, BNS 2023, RBI Master circular on fraud, etc., and there is no finding by relevant authorities against the plaintiff holding them guilty of such acts.

c) The declaration of the Sterling Biotech Group Companies as ‘willful defaulter’ and ‘fraud’ had been quashed and set aside by the Hon’ble Delhi High Court vide judgment dated 26.05.2025 in WP © 13454/2024, holding the same in contravention of well settled parameters entails a cascading effect on the group triggering both civil and criminal action against them

Therefore, it amounts to reckless disregard of truth, and it is palpably false to label the plaintiff and other promoters of Sterling Biotech as such. In the entirety of the technicalities of submissions raised by the defendants, this fundamental aspect has not been disputed i.e., that the Supreme Court has quashed all criminal proceedings against the Sterling Group, thereby putting

quietus to the entire set of litigation pending against the Sandesara Group, pan India.

89. In addition, the contentions raised, that John Doe orders are not well recognized in Indian jurisprudence, further does not cut much ice with this Court. It is also argued, that John Doe orders can only be passed against unknown defendant. However, in the considered opinion of this Court, the same can also be passed against the known defendant if the mushrooming of the content is so wide that it could be contrary to the end of justice to start impleading every single defendant.

90. Another line of arguments harped upon by the defendant is with respect to the delay and laches in agitating the cause of action as contained in the plaint. There cannot be any denial to the fact, that the cause of action is continuing one and finds significant force in December 2025 i.e. the date on which quashing of all criminal proceedings against the promoters of Sterling Biotech. It is undisputed, that the complete closure of the proceedings took place only in December 2025 and pursuant to that any kind of labeling of the plaintiff as that of offenders, criminals, launderers etc., having no basis to be permitted to remain on internet pursuant to the culmination of the proceedings before the Hon'ble Apex Court. The promptness in filing the present suit cannot be debated in the considered opinion of this Court as the proceedings finally culminated in December 2025 and the instant suit was filed in March 2026.

91. In the considered opinion of this Court, the plaintiffs have duly demonstrated that they would suffer an irreparable harm to their public image, if the injunction is not granted and the defendants are not restrained from posting/publishing anything which is beyond the domain and purview of the final order of the Hon'ble Apex Court and at the same time is falling within the ambit of being defamatory. But on the other hands, as the defendants are perse not restrained from printing and posting anything that forms a part of the Apex courts order, but are duly being restrained only from publishing / printing / writing etc. any article which is of defamatory nature in context to plaintiff, the question of irreparable harm in the light of balancing of rights between the contesting parties, stands tilted in favour of the plaintiff.

92. Further, in the assessment of the Court as far as the balance of convenience goes, plaintiff would suffer more inconvenience and harm if the injunction is refused. It is the duty of the Court to minimize the overall potential harm by choosing that option, which results in least amount of inconvenience to the either party and having said that, the embargo / restrain upon the defendants is only limited to the extent of publishing / writing / printing etc. anything which is defamatory and not exclusively covered within the four corners of the Apex Courts order. Having said that, if the said limited restriction is not imposed at this stage, the hardship that will result to the plaintiff in the form of a maligned reputation, would not only be undue, but would also be something that cannot be compensated in monetary terms. If at this stage, the individual rights vested in the plaintiff is not protected, qua the injury that could be caused as a result of the violation of the said

rights at the hands of the defendants, the plaintiff at a belated stage could not be adequately compensated even if the suit stands decreed in his favour.

93. In the teeth of the above analysis, in the considered opinion of the court, the plaintiff has become entitled to the relief to the effect, that the Defendants No. 1 to 3, their agents, employees, or any person acting on their behalf are restrained from publishing, re-publishing or circulating any further content in relation to the Plaintiff and his family name concerning the case of Sterling Biotech Limited and bank fraud and to de-index, de-list, and de-reference the URLs and content of the said articles as detailed in the plaint and such other links not known to the Plaintiff relating the subject matter in issue from their respective website. Further, the defendants no.1 and 2 are directed to de-index, de-list, and de-reference the URLs and content of the said articles of the media houses as detailed in the plaint from its search engine results and such other links not known to the plaintiff relating the subject matter in issue from its search engine results. The defendants are directed to comply with the said directions forthwith, not exceeding 72 hours.

94. Before parting with this order, this Court deems it fit to further state, that in light of the adjudication of the application under Order XXXIX Rule 1 & 2 CPC merits, the application under Order XXXIX Rule 4 CPC filed by defendant no. 1 and 2 stands disposed of as being in-fructuous.

95. It is clarified, that this order shall not have any bearing on the merits of the matter.

Announced in open Court
on 16.05.2026

(Richa Sharma)
Sr. Civil Judge – Cum - RC
THC / Delhi /16.05.2026