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

+ **CS(COMM) 109/2024 with I.A. 2719/2024, I.A. 5182/2024**

SEQUOIA CAPITAL OPERATIONS LLC & ORS.Plaintiffs

Through: Ms Priya Adlakha, Ms Shilpi Sinha and
Ms Sucharu Garg, Advocates for P-1.

Mr Yatinder Garg and Mr Akshay Maloo
and Mr Rajit Ghosh, Advocates for P-2 & 3.

versus

SEENE TRADER & ORS

.....Defendants

Through: Mr Varun Pathak, Ms Amee Rana and
Ms Vibhuti Vasisth, Advocates for D-
2/ Meta Platforms.

Mr Madhav Khosla, Advocate for
D-3.

Ms Nidhi Raman, CGSC for UOI and
Mr Rahul Kumar Sharma, GP with
Mr Zubin Singh, Mr Akash Mishra
and Ms Rashi Kapoor, Advocates for
D-7/MEITY and D-8/ DOT.

Mr Mayank Mikhail Mukherjee,
Advocate for D-9.

Mr Tejas Karia, Ms Swati Agarwal,
Mr Shashank Mishra, Ms Akshi
Rastogi, Ms Rithika Mathur,
Advocates for D-10.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

27.09.2024

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1. The Court *vide* order dated 5th February, 2024, as modified *vide* order dated 26th April, 2024, had passed the following directions *qua* the



defendant no.3/Telegram FZ-LLC, which have been set out below:

“18.5. Defendant No. 3, Telegram FZ-LLC, is directed to remove/ block Telegram channels/accounts as mentioned in DOCUMENT-C annexed with the plaint. Further, they shall file in a sealed cover the necessary information pertaining to the identity of the admins of the groups/ channels mentioned in Document-C annexed to the plaint, as is available with them, within a period of four weeks from today. Defendant No.3 shall also provide a list of the channels/groups created by accounts/phone numbers enlisted in Document-C, to the extent possible, to the Court. The Plaintiffs shall thereafter be entitled to identify and supply proof of the content infringing their intellectual property rights within the identified groups, to the satisfaction of this Court and seek appropriate orders.”

2. Learned counsel appearing for the plaintiffs and the defendant no.3 submit that the defendant no.3 has complied with the aforesaid directions of this Court.

3. Counsel for the defendant no.3 further submits the defendant no.3 shall also be willing to take down future instances of infringing activities of similar nature to the present plaint, as and when they are brought to its notice, in accordance with law, as expeditiously as possible.

4. In view of the above, counsel for the plaintiffs urges this Court to pass a decree against the defendant no.3 in terms of prayer 65(d) of the amended plaint, which reads as under:

“d)Direct Defendant No. 3 Telegram FZ-LLC to:

(i)permanently remove/block the Telegram accounts of the telephone numbers/user names, as mentioned in DOCUMENT-C;.

(ii) permanently delete the Telegram Channels/ group created, as mentioned in DOCUMENT-C, annexed with the suit.”

5. Counsel appearing for the defendant no.3 does not object to the above.



6. Accordingly, a decree is passed in terms of Prayer 65(d) of the amended plaint directing the defendant no.3 to permanently delete/block the fraudulent Telegram accounts as mentioned therein.

7. Decree sheet be drawn up in above terms.

8. *Qua* the defendant no.4/Dynadot LLC, this Court *vide* order dated 5th February, 2024 had passed the following directions, which are set-out below:

“18.7 Defendant No. 4, Dynadot LLC, domain name registrar for the domain senee.in, and Defendant No. 5 Gname.com Pte. Ltd., domain name registrar for the domain names senee.org and senee.net shall suspend the said domain names and maintain status quo regarding the ownership of the respective domain names. They shall further file in a sealed cover the necessary information pertaining to the identity of the registrants of the aforesaid domain names, as is available with them, within a period of four weeks from today. In this regard, Defendant No. 6, NIXI, is directed to pass necessary directions to Defendants No. 4 and 5 to ensure compliance of the aforesaid directions.”

9. Learned counsel for the plaintiffs submits that the aforesaid direction has been complied with by the defendant no.4.

10. None has entered appearance on behalf of the defendant no.4.

11. In view of the above, the suit is decreed in terms of prayer 65(e) of the amended plaint against the defendant no.4. For ease of convenience, prayer clause 65(e) is set out below:

“Pass a decree of mandatory injunction against Defendant No. 4 Dynadot LLC (DNR), to permanently delete the domain name senee.in.”

12. Decree sheet be drawn up in terms of above.

13. Insofar as defendant no.2, Meta Platforms, Inc. is concerned, this Court *vide* order dated 5th February, 2024 had passed the following directions:



“18.3 Defendant No. 2, Meta Platforms Inc., is directed to block/remove access to the said profiles/accounts as mentioned in DOCUMENT-A annexed to the plaint. Further, they shall disclose, by filing in a sealed cover, the mobile nos., email ids and IP addresses used to open the fake Facebook profiles/accounts, before this Court within four weeks from today.”

14. Learned counsel for the plaintiffs as well as the defendant no.2 submits that the aforesaid directions has been duly complied with.

15. Accordingly, the defendant no.2 is deleted from the array of parties.

16. As far as the defendant no.7, Ministry of Electronics and Information Technology (MEITY), Union of India and the defendant no.8, Department of Telecommunications (DoT), Ministry of Communications, Union of India, are concerned, the following directions were passed by this Court *vide* order dated 5th February, 2024:

“18.8 Defendant No. 7, Ministry of Electronics and Information Technology, Union of India and Defendant No. 8, Department of Telecommunications, Ministry of Communications, Union of India, shall issue necessary notifications/ directions to all telecom and internet service providers, Domain Name Registrars, social media platforms and messaging apps in India, to permanently block/ delete/ remove access to all the telephone numbers, websites, domain names, accounts on social media and messaging platforms etc., which are subject matter of the present suit, and specifically mentioned in DOCUMENTS A, B and C.”

17. Learned counsel for the plaintiffs and the defendants no.7 and 8 submit that the aforesaid directions have been duly complied with. Accordingly, the defendants no.7 and 8 are deleted from the array of parties.

18. Insofar as the defendant no.9, National Payment Corporation of India is concerned, the following directions were issued by the Court *vide* order dated 5th February, 2024:

“18.9 Defendant No. 9, NPCI is directed to disclose details of the bank



account number attached to the UPI ID ujbb5691989920@ujjivan of Defendant No. 1 and also suspend/block access to the said UPI ID.”

19. Learned counsel for the plaintiffs and the defendant no.9 submit that the aforesaid directions have been duly complied with by the defendant no.9.

20. Accordingly, a decree is passed against the defendant no.9 in terms of Prayer 65(i) to the amended plaint, which has been set out below:

“i) Direct Defendant No. 9 (NPCI), to block access to the UPI Id ujbb5691989920@ujjivan of Defendant No. 1.”

21. Decree sheet be drawn up in terms of the above.

22. As far as the defendant no.10, WhatsApp LLC is concerned, learned counsel for the plaintiff submits that the suit may proceed and the same may be listed along with CS(COMM) 69/2024.

23. In respect of the defendant no.11, Ujjivan Small Finance Bank Limited, an affidavit of service has been filed by the plaintiff and therefore, defendant no.11 is taken to be served. However, none appears on behalf of the defendant no.11.

24. Insofar as the defendant no.12 is concerned, its address is yet to be disclosed by the defendant no.11.

25. In light of the order passed today, the amended memo of parties be filed within two weeks.

26. Liberty is given to the plaintiffs to implead the defendants that have been deleted today, if a cause of action arises in the future.

27. List the matter on 10th January, 2025.

I.A. 10870/2024 (Application filed by the plaintiff no.1 against the defendant No.5 under Order XXXIX Rule 2A of CPC)



28. List for hearing on 28th November, 2024.

SEPTEMBER 27, 2024/PB

AMIT BANSAL, J