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

+ **CS(OS) 346/2023**

WINZO GAMES PVT. LTD.Plaintiff

Through: Mr. Abhishek Malhotra, Sr. Adv.
with Ms. Nishtha Chaturvedi, Ms.
Srishti Gupta, Mr. Kumarjeet Ray
and Ms. Anukriti Trivedi, Advs.

versus

GOOGLE LLC & ANR.Defendants

Through: Mr. Sajan Poovayya, Sr. Adv. with
Mr. Dheeraj Nair, Mr. Akhjil Anand,
Ms. Vishrutyi Sinha, Ms. Muskan
Gupta, Advs. for D-1 and 2
(Thru VC)

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER
14.02.2025**

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I.A. 20530/2023 (under Order VII rule 11 CPC)

1. This application filed by defendant nos.1 and 2 seeking rejection of plaint on the ground *inter alia* that defendant no.1 (*Google LLC*) and defendant no.2 (*Alphabet Inc.*) cannot possibly determine whether games of plaintiff are skill-based or not and there has to be a judicial determination only.
2. *Mr. Sajan Poovayya, Senior Advocate* for defendant nos.1 and 2, appears through VC.
3. Court has drawn his attention to the fact that possibly the *Play Store* hosts various applications based on their admission policy but to that extent it may not be an intermediary and therefore, ***Information Technology***



(Intermediary Guidelines and Digital Media Code of Ethics) Rules, 2021
may not be applicable to the extent of *Play Store* itself.

4. Mr. Sajjan Poovayya, Senior Advocate shall make submissions on this and shall file his set of submissions at least 3 days prior to the next date of hearing, with copy to the opposing side. This would determine the issue whether there is any right or duty of defendants to vet and filter hosting of any application on *Play Store*.
5. Pleadings are complete in this application.
6. List on 16th May 2025.
7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 14, 2025/sm/na