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

+ **CS(COMM) 608/2024 with I.A. 34161/2024, I.A. 39204/2024 and
I.A. 49572/2024**

PRIMESTACK PTE. LTD AND ANR.Plaintiffs
Through: **Ms. Priya Adlakha and Ms. Sucharu
Garg, Advocates**

versus

JOHN DOE AND OTHERSDefendants
Through: **Mr. Siddhant G., Advocate for D-2
Ms. Swati Agarwal, Mr. Shashank
Mishra, Mr. Vaarish K. Sawlani,
Advocates for D-3
Mr. Mrinal Ojha, Mr. Debarshi Dutta,
Mr. Arjun Mookerjee and Ms. Nikita
Rathi, Advocates for D-7
Mr. Sameer Aggarwal, Advocate for
D-16
Mr. Ankur Yadav, Mr. R. Venkat
Prabhat, SPC with Mr. Abhinav M.
Goel and Mr. Ansh Kalra, Advocates
for D-18 & D-19
Ms. Archana Lakhotia, Mr. Agniwesh
Singh, Advocates for D-20
Ms. Sapna Chauhan and Ms. Himashi
Sisodiya, Advocate for D-21
Mr. Amol Sharma, Advocate for D-23
Mr. Kuber Dewan, Mrs. Neeharika
Aggarwal and Mr. Kaustubh
Srivastava, Advocates for D-26**

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**



ORDER

23.12.2024

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1. On 16th December, 2024, the matter was adjourned, and counsel for the plaintiff was granted time to seek instructions regarding the deletion of the defendants who had complied with interim directions passed by this court.

2. Ms. Adlakha, counsel for the plaintiffs has returned with instructions and submits that the defendant no. 2 Telegram FZ-LLC has complied with the directions passed by this Court *vide* orders dated 29th July 2024 and 11th September, 2024.

3. Hence, she does not wish to proceed against the said defendant no. 2 and urges this Court to pass a decree against it in terms of prayer 41(c) of the plaint, which reads as under:

“41 ... c) Direct Defendant No. 2 Telegram FZ-LLC to:

Permanently delete/block the fraudulent Telegram Accounts as mentioned in DOCUMENT-A.

Permanently delete/block the fraudulent Telegram Groups/Channels as mentioned in DOCUMENT-A.”

4. Counsel appearing for the defendant no. 2 does not object to the same and submits that the accounts, channels, and groups set out in Document-A to the plaint and Document-A to the I.A. No. 39204 of 2024 have already been taken down permanently. The counsel therefore submits that the aforesaid prayer “41 (c)” stands satisfied.

5. Counsel for defendant no.2 further undertakes that the defendant no. 2 shall expeditiously take down any accounts that the plaintiffs may identify in the future as engaging in infringing activities of similar nature to those



mentioned in the present plaint as and when such accounts are brought to the defendant no.2's notice by the plaintiffs, in accordance with the law.

6. The aforesaid undertaking of the defendant no.2 is taken on record and the defendant no.2 shall be bound by same.

7. In light of the above, the present suit is decreed *qua* defendant no.2 in terms of prayer 41(c) of the plaint.

8. Ms. Adlakha submits that the defendants no. 14, 15 and 17 (Telecom and ISPs) have also complied with the directions of this Court passed *vide* order dated 29th July 2024 and urges this Court to pass a decree against them in terms of prayer 41(f), which reads as under:

“41 ... f) Direct Defendants Nos. 14 to 17 (Telecom and ISPs) to permanently block the telephone numbers mentioned in DOCUMENT-D;”

9. Counsel appearing for defendants no. 14, 15 and 17 do not object to the above.

10. Accordingly, the defendants no.14, 15 and 17 are directed to permanently block the telephone numbers mentioned in DOCUMENT-D.

11. In light of the above, the present suit is decreed *qua* the defendants no.14, 15 and 17 in terms of prayer clause 41 (f) of the plaint.

12. Let the decree sheet be drawn up.

13. Mr. Karia, counsel for defendant no. 3 WhatsApp LLC submits that out of the two mobile numbers mentioned in DOCUMENT-B annexed to the plaint, there is no active WhatsApp account associated with mobile no. +91 7551867738. He also submits that defendant no.3 has actioned the account associated with mobile no. +91 8940490218. Therefore, defendant no.3 has



already complied with the directions issued *vide* order dated 29th July 2024 and, hence, defendant no.3 may be deleted from the array of parties.

14. Ms. Adlakha submits that at the time of filing the present suit, the impugned mobile no. +91 7551867738 was active on WhatsApp and the relevant screenshot is filed along with plaint.

15. Ms. Adlakha further submits that since the telecom service provider has suspended the services of the impugned number +91 7551867738 as per the direction of this Court, no further directions are required *qua* this mobile number and the defendant no. 3 may be deleted from the array of parties.

16. Accordingly, defendant no. 3 stands deleted from the array of parties.

17. Ms. Adlakha submits that since defendant nos. 4, 5, 6, 7, 8, 9, 10 and 11 (DNRs) have also complied with the directions passed by this Court *vide* order dated 29th July 2024, she does not wish to proceed against the said defendants as nothing further remains due against them. Hence the said defendants may be deleted from the array of parties.

18. Counsel for defendant no. 7 GoDaddy.com LLC, who is present in Court, confirms the same.

19. Accordingly, defendant nos. 4, 5, 6, 7, 8, 9, 10 and 11 stand deleted from the array of parties.

20. As far as defendant no. 16 (BSNL) is concerned, Ms. Adlakha submits that the impugned mobile number mentioned in Document-D is registered with Airtel (defendant no. 14). Hence, defendant no. 16 has no role to play and may be deleted from the array of parties.

21. Accordingly, defendant no. 16 stands deleted from the array of parties.



22. Ms. Adlakha submits that in terms of paragraph 25(f) of the order dated 29th July 2024, the defendant no. 20 (NPCI) has provided the requisite information to the plaintiffs. The defendant no. 20 has no role to play and hence it may be deleted from the array of parties.

23. Accordingly, defendant no. 20 stands deleted from the array of parties.

24. Ms. Adlakha submits that the defendants no. 21, 22, 23, 24, 26 and 27 (Banks) have also complied with the directions of this Court passed *vide* order dated 29th July 2024 and urges this Court to pass a decree against them in terms of prayer 41(i), which reads as under:

“41 ... i) Direct Defendants Nos. 21 to 27 (Banks) to permanently close Bank Accounts mentioned in DOCUMENT-F;”

25. Ms. Adlakha further prays that upon closure of the bank account mentioned in Document F, the amount lying in the said accounts be transferred to RBI’s Depositors Education and Awareness Fund.

26. The defendants no. 21, 22, 23, 24, 26 and 27, i.e., Banks are directed to file an affidavit informing the current status of the concerned bank accounts mentioned in Document-F within four weeks from today.

27. As far as defendant no. 25 (Citibank) is concerned, Ms. Adlakha submits that the sole impugned account number mentioned in Document-F *qua* defendant no.25, is a credit card number and not a bank account number and the same requires no action. Hence, defendant no. 25 has no role to play and may be deleted from the array of parties.

28. Accordingly, defendant no. 25 stands deleted from the array of parties.



29. As far as defendants no. 12 and 13 (DNRs) are concerned, Ms. Adlakha submits that the suit may proceed *qua* the said defendants since they have not complied with the order dated 29th July 2024.

30. Since there is no representation on behalf of defendants no. 12 and 13, despite service of the summons, the plaintiffs shall take appropriate steps *qua* the said defendants.

31. In so far as the defendants no. 18 (MeitY) and 19 (DoT) are concerned, Ms. Adlakha submits that their presence before this court is necessary in terms of issuing necessary notifications/directions against the non-compliant defendants no. 12 and 13 (DNRs) to give effect to the directions issued by this Court.

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

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

34. List on 4th March, 2025.

AMIT BANSAL, J

DECEMBER 23, 2024
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