

OCD-7

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

[Commercial Division]

CC-COM/14/2024

EDEN REALTY VENTURE PRIVATE LIMITED
-VS-
ADITYA KUMAR NAYAK AND ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : June 24, 2025.

Appearance:

Mr. Sayantan Basu, Sr. Adv.

Mr. Deepak Kumar Jain, Adv.

...for the petitioner

Mr. Abhimanyu Shandilya, Adv.

Mr. Gourab Das, Adv.

Mr. Biyas Banerjee, Adv.

Ms. Simi Paul, Adv.

...for the alleged contemnor Nos.1 to 4

Mr. Sayak Chakrabarti, Adv.

Mr. Wrickbrata Roy, Adv.

Mr. Nistar Mall, Adv.

Mr. Iswar Das, Adv.

...for the alleged contemnor no.5

Mr. Naveen Kumar Thakur, Adv.

Mr. Sudhakar Kumar Thakur, Adv.

Mr. Mrityunjoy Saha, Adv.

...for the alleged contemnor nos.6, 8 & 9

Mr. Balarko Sen, Adv.

Mr. S. Choudhury, Adv.

...for the alleged contemnor no.7

1. Mr. Deepak Kumar Jain, learned advocate, is appearing for the petitioner.
2. Mr. Abhimanyu Shandilya, learned advocate, is appearing for the alleged contemnor Nos. 1 to 4.

3. Mr. Sayak Chakrabarti, learned advocate, is appearing for the alleged contemnor No. 5.
4. Mr. Naveen Kumar Thakur, learned advocate, is appearing for the alleged contemnor Nos. 6, 8 and 9.
5. Mr. Balarko Sen, learned advocate, is appearing for the alleged contemnor No.7.
6. All the parties have filed their affidavit of compliance.
7. In the affidavit of compliance of the alleged contemnor no.4, the contemnor no.4 has disclosed an e-mail sent by Amazon to the reply of the e-mail of the contemnor no.4 wherein it is mentioned as follows:

Thank you for your email. Based on the nature of your report we believe it might be more efficient for you to communicate with our customer directly.

If you're unable to do that, please understand that we are prohibited from taking actions on accounts without a valid and binding court order or equivalent legal demand served on the applicable AWS Contracting Party (as defined in the AWS Customer Agreement), instructing AWS to take the expected actions. The court order or legal demand should contain the specific AWS account (s) and resource (s) in question. Please refer to your legal counsel for any legal questions you may have.

Please note that Amazon does not accept service via e-mail, fax, support cases, or abuse reports, and will not respond if service is attempted using these methods. Please refer to your legal counsel or local authorities if you have questions about service of process. <https://aws.amazon.com/compliance/shared-responsibility-model/>.

8. From the e-mail sent by the contemnor no.4 to the amazon.com, it is found that that the contemnor no.4 has attached the copy of the order passed by this Court and requested the Amazon to remove all the contents immediately with regard to the Solaris but in spite of the order which was forwarded by the contemnor no.4 to the Amazon, the Amazon is reluctant to remove the advertisement of the Solaris.
9. In view of the above, the petitioner is directed to make Amazon as a party in the contempt application as contemnor no.10 and issue notice upon the amazon.com.
10. On receipt of the notice, amazon.com is directed to show cause as to why Rule shall not be issued for violation of the order passed by this Court.
11. The alleged contemnor no.5 has filed affidavit of compliance wherein the alleged contemnor no.5 in paragraph nos. 4 and 5 has stated as follows:
 4. It is stated that the added respondent no. 5 is a registered company and is an advertisement platform which helps connect buyers and sellers and is not a party to any transaction, in any manner whatsoever. That the added respondent no.5 acts as median through which prospective buyers can get in touch with sellers. That the advertisements are put up on the added respondent no.5's website either directly by buyers or purchasers or realtors or brokers. That the added respondent no. 5 allows for advertisement to be made on its website in lieu of a fee and the prospective buyer or seller or realtor or broker directly gets in touch with the person at who's behest the advertisement had been put up. That after paying a platform fee

or charge one can put up an advertisement on the added contemnor no. 5's domain.

5. It is stated that one "OMM CREATION" through its representatives being one Rani Agarwal and one Susmita had contacted the added respondent no.5 on 16th January, 2024 in order to advertise the project "SOLARIS" on the added respondent no.5's website. That "OMM CREATION" was at that point of time already an existing customer of the added respondent no.5. That "OMM CREATION" had paid a platform fee in lieu of which they had posted the advertisement of the project "SOLARIS" on the added respondent no. 5's website or domain along with various other projects. That "OMM CREATION" had approached the added respondent no. 5 initially in 2023 and again in 2024 whereby it had availed the services of the added respondent no. 5 to advertise the name of the project "SOLARIS" along with other projects.

12. In view of the above averment made by the alleged contemnor no.5 in the affidavit, the petitioner is directed to make Omm Creation as contemnor no.11 and to issue notice upon the contemnor no.11.

13. On receipt of the notice, Omm Creation is directed to show cause as to why Rule shall not be issued for violation of the order passed by this Court.

14. The alleged contemnor nos.6, 8 and 9 have filed affidavit of compliance stating that on 27th March, 2025, the company received a request for removal of an advertisement from the platform, submitted by Sidhivinayak Infrastructure and Developers Pvt. Ltd. Accordingly, the company removed all listings related to the said advertisement

from the platform. A screenshot is also disclosed as Annexure R-2 in the said application.

15. The alleged contemnor no.7 has also filed affidavit stating they have removed all advertisement in the name of 'Sidhivinayak Solaris' from their website on 27th March, 2025.

16. Heard the learned counsel for the respective parties.

17. Accordingly, all the affidavits filed by the contemnors be kept with the record.

18. Let the matter appear on 23rd July, 2025 for filing affidavit of compliance by the added contemnor nos. 10 and 11.

19. The alleged contemnor no.5 is directed to appear in person in Court on 23rd July, 2025.

(KRISHNA RAO, J.)