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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 276/2021
T V TODAY NETWORK LIMITED Plaintiff
Through Mr.Hrishikesh Baruah, Adv.

versus

TRACTOR 2 TWITTER & ORS. Defendant
Through Mr.Deepak Gogia, Adv for D-5.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

% **ORDER**
07.06.2021

I.A. 7409/2021

1. As the Court fee stands filed, the present application is rendered infructuous and is, accordingly, dismissed.

I.A. 7410/2021

2. This is an application seeking leave to file additional documents under the Commercial Courts Act 2015.

3. The application is disposed of by directing that in case the plaintiff wishes to file any additional documents, the same would be in accordance with the provisions of the Commercial Courts Act.

I.A. 7411/2021

4. Allowed, subject to the plaintiff filing the original documents and/or producing them for inspection at the time of admission/denial.

I.A. 7412/2021

5. Allowed, subject to all just exceptions.

6. The plaintiff will file the notarised affidavit within two weeks of this

Court resuming physical hearings.

CS(OS) 276/2021 & I.A. 7408/2021

7. Let the plaint be registered as suit.

8. Learned counsel for the defendant no.5/Twitter Inc. accepts notice of the suit and application. Subject to the plaintiff taking steps, issue summons to the remaining defendants, i.e., defendant nos. 1 to 4, 6 and 7, in respect of the suit and application by all permissible modes, including electronic means. Summons to the defendants shall indicate that the written statement to the plaint shall be positively filed within 30 days of the receipt of the summons. The parties will file the documents in their possession within 30 days. The defendants shall also file their affidavit of admission/ denial of documents filed by the plaintiff, failing which the written statement shall not be taken on record.

9. The case of the plaintiff before this Court is that it is a part of the reputed India Today Group, a multimedia conglomerate with widespread presence in print and electronic media. The plaintiff runs and operates four 24-hour news channels in the country, including the largest Hindi news channel 'Aaj Tak'. The plaintiff protects its intellectual property rights in the 'AajTak' brand and its logos and has carried out various trademark registrations in 'Aaj Tak' as also the logos. The plaintiff has been constrained to file the present suit against defendants, on account of the persistent, malicious and defamatory campaign started by defendant nos.1 across its multiple social media platforms against the plaintiff, its news channel 'Aaj Tak' and its employees.

10. Mr. Baruah, learned counsel for the plaintiff submits that while the plaintiff is not certain of the exact legal status of defendant no.1 at this stage,

it appears that the said defendant named Tractor2Twitter is, as per its own description, an online community of persons interested in the protests taking place across the country against the new farm bills. The online communities of defendant no.1 are operated by way of (i) a website (www.tractor2twitter.com), (ii) a Twitter Account (Handle: @Tractor2twitr), (iii) a Facebook Page (Tractor2Twitr), (iv) an Instagram Account (Handle: @tractor2twitr), (v) a third party administered Telegram Group (T2T Hashtag @ Up) and (vi) a Telegram Channel (Tractor2Twitter (Official Channel)). He submits that the website of the defendant no.1 contains links to its social media accounts on Twitter, Facebook, Instagram, Whatsapp and Telegram. He further submits that from the Twitter accounts of defendant nos. 2 and 3, it appears that they are the founder and co-founder of defendant no.1 respectively. Whereas, the defendant no. 4 is a company providing digital marketing services and is the registrant of the website of the defendant no.1.

11. Insofar as the remaining defendants are concerned, Mr Baruah submits that defendant nos. 5 to 7 would fall within the definition of the term 'intermediary' as defined under Section 2(1)(w) and Section 79 of the Information Technology Act, 2000; Defendant no.5/Twitter Inc is a social media company that provides micro-blogging services, defendant no.6/Facebook Inc operates social networking websites/platforms called 'Facebook' and 'Instagram' that allow users to communicate, publish and post content, and defendant no.7/Telegram FZ LLC is a freeware, cross-platform, cloud-based instant messaging software, which provide end-to-end encrypted video calling, VoIP, file sharing and several other features.

12. Mr. Baruah submits that on 30.05.2021 around 6:29 AM, the

defendant no.1 released, on its official Telegram channel, seven posters under the message ‘Graphics for 30th May Graphics’ that contained the ‘AajTak’ logo with an interdictory circle/‘No’ or Prohibited sign interposed on it and calling the ‘AajTak’ news channel anti-farmer, venomous, toxic, communal. He submits that with these messages and posters, the defendant nos. 1 to 3 have been maliciously asking their subscribers and followers to use a derogatory hashtag that malignantly uses the ‘AajTak’ name and share, tweet and re-tweet messages that utilise this hashtag to spread its usage. He has drawn my attention to certain tweets, contents whereof have also been reproduced in the plaint.

13. He has provided the Court with a list of URLs that contain the offensive content which are as follows:

S. No.	URL
1.	https://twitter.com/Tractor2twitr/status/1398813914247294979
2.	https://twitter.com/Tractor2twitr/status/1398813984371863556
3.	https://twitter.com/Tractor2twitr/status/1398815000769163266
4.	https://twitter.com/bhavjitsingh_/status/1398813912976400386
5.	https://twitter.com/iamrajbuttar/status/1398813971927339009
6.	https://twitter.com/Tractor2twitr/status/1398816429563076612
7.	https://twitter.com/Tractor2twitr/status/1398822721224470528
8.	https://twitter.com/Tractor2twitr/status/1398822976212983809
9.	https://twitter.com/Tractor2twitr/status/1398826496039342083

10.	https://twitter.com/Tractor2twitr/status/1398831502457249792
11.	https://twitter.com/Tractor2twitr/status/1398832787541614592
12.	https://twitter.com/Tractor2twitr/status/1398832936166821888
13.	https://twitter.com/Tractor2twitr/status/1398834321629265923
14.	https://twitter.com/Tractor2twitr/status/1398836531662508036
15.	https://twitter.com/Tractor2twitr/status/1398844112464498688
16.	https://twitter.com/Tractor2twitr/status/1398851662077337605
17.	https://twitter.com/Tractor2twitr/status/1398859212176855044
18.	https://twitter.com/Tractor2twitr/status/1398865147997786115
19.	https://twitter.com/Tractor2twitr/status/1398866107822329859
20.	https://twitter.com/Tractor2twitr/status/1398868213643972610
21.	https://twitter.com/Tractor2twitr/status/1398927456824807425
22.	https://twitter.com/Tractor2twitr/status/1398928074150858757
23.	https://twitter.com/Tractor2twitr/status/1398955820172201989
24.	https://twitter.com/SevadalDD/status/1398871705896898560
25.	https://twitter.com/Kisanektamorcha/status/1398813953732481024

S. No.	URL
1.	https://www.facebook.com/tractor2twitter/photos/a.102183805082624/205016591466011/
2.	https://www.facebook.com/tractor2twitter/photos/

	a.102183805082624/205052668129070
3.	https://www.facebook.com/tractor2twitter/videos/292949475875348
4.	https://www.facebook.com/tractor2twitter/photos/a.133314098636261/205097804791223
5.	https://www.facebook.com/photo?fbid=10159657295281057&set=a.10150659084311057
6.	https://www.facebook.com/photo?fbid=10159657484101057&set=a.10150659084311057
7.	https://www.facebook.com/photo?fbid=10159657579706057&set=a.10150659084311057

S. No.	URL
1.	https://www.instagram.com/p/CPe03yXNqBF/
2.	https://www.instagram.com/p/CPe0BwYBIKY/
3.	https://www.instagram.com/p/CPe1OpmDZp7/
4.	https://www.instagram.com/p/CPe_kRMsl_Q/

14. He submits that notwithstanding the fact that the allegations against the plaintiff, Aaj Tak and its employees contained in these defamatory tweets, messages and posts created at the instigation of the defendant nos. 1 to 3 are totally baseless and highly defamatory, the number of likes, comments, tweets and retweets of these defamatory posters and messages, as well as the use of the offending hashtag, continue to increase by passage of time, thereby lowering the image of the plaintiff company.

15. Having perused the various tweets which have been published by Defendant Nos.1 to 3 as well as the posts of Defendant No. 1 on its Facebook page, Instagram account and official Telegram channel, I am of the *prima facie* opinion that they contain wild allegations, are defamatory and use objectionable and abusive language against the plaintiff, its Aaj Tak new channel and its employees. Such a campaign against the Plaintiff, its 'Aaj Tak' news channel and its employees can be extremely damaging to their reputation and also cause personal injury to them.

16. Considering the damaging nature of the aforesaid tweets and posts made by the defendant Nos. 1 to 3, the plaintiff has made out a *prima facie* case and has been able to show that the balance of convenience lies in its favour. Furthermore, the plaintiff, a well-established media company, its 'AajTak' news channel and their employees would suffer irreparable injury to their reputation if no interim protection is granted to them immediately. Consequently, this Court finds it fit to grant an interim injunction in favour of the plaintiff and against the defendants in terms of prayer (a) of the application under Order XXXIX Rules 1 and 2 CPC. Ordered accordingly.

17. In these circumstances, and considering the averments in the plaint, till the next date of hearing the following directions are being given:

- a. Defendant nos.1 to 3 stand restrained from making any defamatory or derogatory posts/tweets or making any adverse remarks or uploading any content against the plaintiff, the 'AajTak' news channel and its employees either through any of its social media accounts or on any social media platform or any other print/electronic medium and the defendants namely (i) Istrides Technologies; (ii) Twitter Incorporated; (iii)

Facebook Incorporated; (iv) Telegram FZ LLC are also directed to forthwith, on being served with a copy of this order, remove/take down the defamatory posts/articles/all content pertaining to the plaintiff and block the URLs/web links provided in paragraph 13 hereinabove.

- b. Defendant nos.1 to 3, their agents, representatives, associates are directed to forthwith remove the tweets/posts detailed in Paragraph 13 hereinabove or Paragraphs 31, 38, and 41 of the captioned application within three days from today. In case they fail to comply with this direction, the plaintiff shall communicate the factum of this non-compliance to Defendant Nos. 5 and 6, who shall disable/block their accounts within 48 hours of receipt of such communication from the plaintiff.
- c. Defendant nos.5 to 7 shall, within five days of the plaintiff serving this order upon them, disclose to the plaintiff through its counsel the complete details of Defendant nos.1 to 3 that may be available with them, including the e-mail address, mobile number and any other contact details, in a password protected file.
- d. Within 24 hours of receiving further contact details of defendant nos.1 to 3 in the light of the directions in paragraph (b) hereinabove, the plaintiff will make requisite compliance under Order XXXIX Rule 3 in respect of the said defendants at the newly provided contact information.

18. Reply to the interim application, if any, be filed within three weeks. Rejoinder thereto, if any, be filed before the next date.

19. Though the plaintiff has also prayed for John Doe orders, in my view they are not warranted at this stage. However, it will be open for the plaintiff to move application for impleadment under Order I Rule 10 of the Code of Civil Procedure, 1908 if the need arises.

20. List on 27.07.2021.

(REKHA PALLI)
VACATION JUDGE

JUNE 7, 2021

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