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

+ **CS(COMM) 120/2022**

LIVING MEDIA INDIA LIMITED & ANR. Plaintiffs

Through: Mr. Hrishikesh Barvah, Ms. Apoorva
Jain, Mr. Deep Pal Singh, Mr. Kumar
Kshitij and Mr. Joy Banerjee,
Advocates

versus

TELEGRAM FZ LLC & ORS. Defendants

Through: Mr. Prateek Kumar and Ms. Moha
Paranjpe, Advocates for D-1

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **29.11.2022**

I.A. 2875/2022 (u/s 12A of Commercial Court Act)

1. In view of the urgent interim relief sought in the present suit, the plaintiff is exempted from pre-institution mediation in terms of Section-12 A of Commercial Courts Act, 2015.
2. The application stands disposed of.

I.A. 6399/2022(for condonation of delay of 32 days in filing reply in IA 2872/2022)

3. The present application has been filed on behalf of the defendant no.1 seeking condonation of delay in filing reply to I.A. No. 2872/2022.
4. For the reasons stated in the application, the same is allowed.
5. The reply of the defendant no.1 to I.A. No. 2872/2022 is taken on record.

I.A. 17073/2022 (O-XI R-1 of CPC)

6. The present application has been filed seeking to place on record 41 additional documents, namely, the Legal Proceedings Certificates (LPCs) that relate to the trademarks owned by the plaintiff as mentioned in paragraph 30 in the plaintiff's suit.

7. For the reasons stated, the application is allowed and the aforesaid 41 LPCs are taken on record.

CS(COMM) 120/20227 & I.A. 2872/2022 (O-XXXIX R-1 & 2 of CPC)

8. Pursuant to the order passed by this Court on 18th October, 2022 the defendant no.1 has placed on record the identity/Basic Subscribers Information of the defendants in a sealed cover.

9. Counsel for the defendant no.1 draws attention of this Court to the order dated 24th November, 2022 passed in CS(COMM) 282/2020 titled as ***Neetu Singh v. Telegram FZ LLC***, where it was directed as under:-

“5. The affidavit of compliance and the sealed cover is not on record. However, copies have been handed over to the Court. The said data, which is in the form of a chart, has been perused by the Court. It shows that the names of the admins, the phone numbers, and IP addresses of some of the channels as are available with Telegram have been filed. Let copy of the said data be supplied to ld. Counsel for Plaintiffs with the clear direction that neither the Plaintiffs nor their counsel shall disclose the said data to any third party, except for the purposes of the present proceedings. To this end, disclosure to the governmental authorities/police is permissible.”

10. Accordingly, it is directed that the data filed on behalf of the defendant no.1 in a sealed cover be provided to the counsels for the plaintiff with a clear direction that neither the plaintiffs nor the counsels shall disclose the said data to any third party, except for the purposes of the

present proceedings. Further, towards this end, disclosure to government authorities/police is permissible.

11. The Registry is directed to retain the said data in a sealed cover.

12. Counsel for the plaintiff submits that details in respect of all the defendants have not been provided.

13. Counsel for the defendant no.1 submits that the concerned representative of the defendant no.1 company shall be present in the Court to explain this aspect.

14. List on 6th December, 2022.

15. Interim order to continue.

AMIT BANSAL, J

NOVEMBER 29, 2022/rhc