

CS DJ 137/24

**Zee Entertainment Enterprises Ltd. Vs. Bloomberg Television
Production Services India Pvt. Ltd. & Ors**

01.03.2024

Present: Sh. Vijay Aggarwal and Sh. Naman Joshi, Ld.
Counsels for Plaintiff through VC alongwith Ms.
Tripti Sankhla, Ld. Counsel present physically in
court.

ORDER

Application under Order XXXIX Rules 1 & 2 of CPC.

1. The plaintiff describes itself as a company incorporated under a Companies Act, 1956, having wide ranging interest in television, digital film and music content. The plaintiff has attained wide spread reputation in India and abroad as a prominent entertainment company.
2. That the present suit has been filed by the plaintiff company through its Authorized Representative Sh. Girish Kaul. The Power of Attorney in his favour is annexed with the documents at page 311 to page 313.
3. That the defendant no.1 and defendant no.2 are Private Limited Companies which operate and manage an online media platform for news articles under the name “The Bloomberg”. The defendants no. 3 to 5 are the authors, researchers, who have put an article titled “*India Regulator*”

Uncovers \$ 241 Million Accounting Issue at Zee” published on the 21.02.2024 by the defendant no.1 and defendant no.2. The article is available at the web address link ***[<https://www.bloomberg.com/news/articles/2024-02-20/india-regulator-uncovers-241-million-accounting-issue-at-zee?sref=2h1zKciy>].***

4. The grievance that has led to the filing of the present suit is that the said article is defamatory qua the plaintiff and has been published in order to malign and defame the plaintiff, with a pre-meditated and malafide intention.

5. That the contents of the article directly pertain to corporate governance and business operations of the plaintiff and speculates the contents as truth. Consequent to the publishing of the article, the company and its investors have suffered economically, inasmuch as, the stock price of the company fell by almost 15% because of the circulation of the defamatory material. The defendant no.3 to defendant no.5 have earlier also published several articles against the plaintiff, but the present article has gone to the extent of alleging illegal fund diversion without any basis.

6. It is claimed that under an interim order dated 12.06.2023 and confirmatory order dated 14.08.2023 issued by SEBI against one individual promoter and one KMP of the plaintiff were directed to relieve themselves from holding any key managerial position in any listed companies or their subsidiaries. Plaintiff, however, was not issued any notice by the SEBI in the said proceedings and the article has been published

seeking to link the order with the plaintiff. It is further alleged that the said orders were appealed before the Securities Appellate Tribunal by the said KMP and individual promoter and the KMP has been awarded interim relief on 30.10.2023. It is claimed that the article makes several unsubstantiated claims and also makes a claim that SEBI had unearthed large financial bungling, when no such finding has been disclosed by the SEBI. At the same time, the article itself claim that the information has been received from the people familiar with the matter who did not want to be identified as the information is not public yet. The counsel for the plaintiff has relied upon the decision in *M.P. Lohia Vs. State of West Bengal*, (2005) 2 SCC 686, *Sahara India Real Estate Corporation Ltd. Vs. SEBI*, (2012) 10 SCC 603, *Chanda Kochar Vs. Jai Viratra Entertainment Ltd. & Ors*, CS OS No. 852/2019, *Jindal Steel & Power Ltd. & Anr Vs. Arun Kumar Jagatramka & Ors*, CS No. 196/2020, *Kairaviview (OPC) Private Limited & Ors Vs. Hindustan Times/Mint & Ors*, CS (OS) 403/2022, *Rana Kapoor Vs. Penguin Random House India Private Limited & Ors*, CS No. 581/2021, *Swami Ramdev Vs. Juggernaut Books Pvt. Ltd. and Ors*, C.M.(M) No. 556/2018, *Smriti Zubin Irani Vs. Pawan Khera & Ors*, C.S. (O.S.) No. 436/2022, *Frank Finn Aviation Services Pvt. Ltd. Vs. Tara Kerkar*, 2016 SCC OnLine Del 4641 and *Dr. Abhishek Manu Singhvi Vs. Satoshi Zaiwala*, (CS. 191/2020) etc. to contend that this is a fit case for passing of ex-parte order of injunction.

7. I have gone through the record available as on date.

8. I have noticed that in *Dr. Abhishek Manu Singhvi (Supra), Chandra Kochar (Supra), Swami Ramdev (Supra)*, ex-parte ad interim injunction was passed, considering that the contents of the material in question was per se defamatory.

9. In my view, the plaintiff has made out a prima facie case for passing ad interim ex-parte orders of injunction, balance of convenience is also in favour of plaintiff and against the defendant and irreparable loss and injury may be caused to the plaintiff, if the injunction as prayed for is not granted. In view thereof, defendant no.1 and defendant no.2 are directed to take down the article dated 21.02.2024 (page 84 to 86 of the plaintiff's document) from online platform within one week of receipt of this order. The defendants are further restrained from posting, circulating or publishing the aforesaid article in respect of the plaintiff on any online or offline platform till the next date of hearing.

10. Compliance of Order 39 Rule 3 of CPC be made within 48 hours.

11. Issue summons on the suit and notice on the injunction application by all modes, dasti as well, on filing of PF/Speed Post/AD etc., returnable for **26.03.2024**.

(HARJYOT SINGH BHALLA)
ADJ-05, SOUTH SAKET COURTS
NEW DELHI/01.03.2024