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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 146/2020 & I.As. 4073/2020, 4748/2020, 12490/2020,
4271/2021

JAGRAN PRAKASHAN LIMITED Plaintiff
Through: Mr.Jeevesh Mehta, Adv.

versus

TELEGRAM FZ LLC & ORS. Defendants
Through: Mr.S.Bansal, Mr.M.Gupta,
Mr.Vedant, Advs. for D-1.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **23.11.2022**

I.A. 4271/2021

1. The learned counsel for the defendant no.1 submits that an identical application is also numbered as I.A. 4748/2020. In view thereof, the present application may be disposed of.

2. The application is accordingly disposed of.

I.A. 4073/2020, 4748/2020, 12490/2020

3. This Court by an *ad interim ex parte* order dated 29.05.2020, *inter alia* directed the defendant no.1 to disclose the basic subscriber information/identity of the users/owners of the channels who have been impleaded as the defendant no.2 and are using the e-mail addresses, t.me/dainkjagran, t.me/dainikjagranhindi, t.me/dainikjagran_jnm, t.me/dainikjagranpdf, t.me/dainik_jagran, t.me/dainikjagran, t.me/DJagran, t.me/Dainik_Jagran_pdf, t.me/Fainik_Jagran_News, t.me/dainikja, as mentioned in paragraph (b) of the application, that is IA no.4073/2020.

4. I.A. 4748/2020 was thereafter filed by the defendant no.1, claiming that a direction cannot be issued to the defendant no.1 for making disclosure of the basic subscriber information/identity of the impugned handles.
5. On the other hand, I.A. 12490/2020 has been filed by the plaintiff, complaining of non-compliance with the above direction passed in the order dated 29.05.2020 against the defendant no.1.
6. The learned counsels for the parties today fairly submit that this issue is no longer *res integra* and has been settled by a Co-ordinate Bench of this Court in ***Neetu Singh and Another v. Telegram FZ LLC and Others, 2022***, SCC OnLine Del 2637, holding as under:-

“46. In view of the above factual and legal position, in the opinion of this Court, merely because Telegram chooses to locate its server in Singapore, the same cannot result in the Plaintiffs' - who are copyright owners of course materials - being left completely remediless against the actual infringers, especially in order to claim damages and avail of other legal remedies in accordance with law. If such an argument is accepted, in the current world where most dissemination happens through online messaging services and platforms, IP violations would go completely unchecked. This cannot be the intention of law. The provisions of the IT Act and the Rules made therein have to be construed harmoniously with the rights and remedies provided to the copyright owners under the Copyright Act. Indian Courts are competent to decide issues relating to infringement of copyright and the mere fact that Telegram is operating a messaging service in India which chooses not to locate its servers in India cannot divest the Indian Courts from dealing with copyright disputes or divest copyright owners from availing their remedies in Indian Courts. In the present age of cloud computing and diminishing national boundaries in data storage, conventional concepts of territoriality cannot be strictly applied. The dynamic evolution of law is

essential to ensure appropriate remedies in case of violation of copyright and other IP laws.

47. *In the facts and circumstances of the present case, Telegram-Defendant No. 1 is directed to disclose the details of the channels/devices used in disseminating the infringing content, mobile numbers, IP addresses, email addresses, etc., used to upload the infringing material and communicate the same, as per the list of channels filed along with the present application. If there are any further list of infringing channels, the same be also submitted to Telegram within one week. The data relating to the infringing channels and the details as to the devices/servers/networks on which they are created, their creators, operators including any phone numbers, IP addresses, email addresses, used for this purpose shall be disclosed by Telegram within a period of two weeks thereafter. The said information shall at this stage be filed in a sealed cover with the Court. Upon perusing the said information, directions, if any, shall be passed after hearing the parties.”*

7. In view of the above, the defendant no.1 shall comply with the direction issued by this Court *vide* order dated 29.05.2020 within a period of three weeks from today. The information may be disclosed by the defendant no. 1 in a sealed cover.

8. On perusing the information, the Court shall consider if any further directions are required to be passed on the next date of hearing.

9. The applications are accordingly disposed of.

CS(COMM) 146/2020

10. List on 27th March, 2023.

NAVIN CHAWLA, J

NOVEMBER 23, 2022

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