

Kamdhenu Limited vs Jindal Steel & Power Limited And Ors on 24 January, 2019

Author: Rajiv Sahai Endlaw

Bench: Rajiv Sahai Endlaw

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 1229/2018
KAMDHENU LIMITED Plaintiff
Through: Mr. Pankaj Kumar, Adv.
versus

JINDAL STEEL & POWER LIMITED AND ORS. Defendants
Through: Mr. Rohan Ahuja and Ms. Sonali
Dhir, Advs. for D-1.
Ms. Richa Srivastava, Mr. Shijo
George, Advs. for D-3&4.
Mr. Neel Mason, Ms. Ekta Sharma,
Ms. Ridhima Pabbi, Ms. Tanya
Srivastava and Ms. Kavya S. Mannen,
Advs. for D-5.
Mr. Tejas Karia, Adv. for D-6.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER

% 24.01.2019 IA No.1099/2019 (of the defendant no.5 under Order XXXIX Rule 4 CPC).

1. The counsel for the defendant no.5 YouTube LLC seeks modification/vacation of the ex parte order dated 6th November, 2018 to the extent it restrains the defendant no.5/applicant from displaying, disseminating, propagating the report qua which the suit has been filed as well as any leaflets, pictures and videos based thereon.

2. It is contended that the defendant no.5/applicant cannot be expected to monitor all contents being loaded on its platform and without the person aggrieved therefrom, in the present case the plaintiff, bringing the same to the notice of the defendant No.5/applicant. It is further contended that the CS(COMM) 1229/2018 page 1 of 2 defendant no.5/applicant cannot be expected to adjudicate the claim of the plaintiff with respect to a particular URL as to whether it is objectionable and liable to be removed and the same can be ordered only by the Court.

3. I have enquired from the counsel for the defendant no.5/applicant as to what is the scope of the Grievance Officer which in my recollection the defendant no.5/applicant was directed to appoint by an order of the Supreme Court. It has further been enquired that if the aggrieved person every time is required to file a fresh suit whenever the content with respect to which once a suit has been filed

and which has not been ordered to be removed, comes up on some other URLs, the same would put too much liability on the aggrieved person. It has further been enquired as to why a mechanism for rejection of particular content as has been directed qua PCPNDT Act, be not made applicable qua other matters on which once an order has been passed by the Court.

4. The counsel for the defendant no.5/applicant seeks time to take instructions.

5. Though the counsel for the plaintiff appearing on advance notice seeks time to file reply, but considering the nature of the controversy no reply is required.

6. List on the date already fixed i.e. 29th March, 2019.

RAJIV SAHAI ENDLAW, J JANUARY 24, 2019 'pp'..