

Affle India Limited vs Talent Unlimited Online Services ... on 27 January, 2023

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ O.M.P.(I) (COMM.) 20/2023
AFFLE INDIA LIMITED

..... Pe
Through: Mr. Raj Shekhar Rao, Sr. Advoca
with Mr. Bharat Singh, Mr. Sid
Shivakumar, Mr. Areeb Amanulla
Ms. Prachi Dubey, Advocates.

versus

TALENT UNLIMITED ONLINE SERVICES PRIVATE LIMITED
AND ANOTHER

..... Respo
Through: Mr. Arvind Varma, Sr. Advocate
Mr. Moksha Bhat, Mr. Harshit
Anand, Mr. Vipin Tyagi, Ms. Kr
Mundra, Ms. Samridhi Sharma,
Advocates for R-1& Mr.Manik
Dogra, Mr. Sankalp Udyata,
Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
ORDER

% 27.01.2023
I.A. 1661/2023 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

The respondents have entered appearance.

Accordingly, the caveat stands discharged.

O.M.P.(I) (COMM.) 20/2023

1. The instant petition under Section 9 of the Arbitration and Conciliation Act, 1996 has been filed on behalf of the petitioner seeking the following relief:-

"a. issue an interim and / or an ad-interim injunction in favor of the Petitioner and against the Respondents restraining Respondents Nos. 1 and 2 from terminating the Global Monetization Partnership Agreement dated 8.8.2020 ("GMPA") alongwith its two addendums dated 14.02.2022 ("GMPA-1") and 29.08.2022 ("GMPA-2") until the Arbitral Tribunal is constituted and till the pendency of proceedings before the Arbitral Tribunal..."

2. Learned senior counsel appearing on behalf of petitioner submitted that the Petitioner is a global technology company with a proprietary consumer intelligence platform that delivers consumer acquisitions, engagements, and transactions through relevant mobile advertising for brands and business-to-consumer companies globally. The Petitioner was initially incorporated (as „Tejus Securities Private Limited) under the Companies Act, 1956 on 18th August, 1994. Subsequently, the name of the Petitioner was changed to „Affle (India) Private Limited on 29th September, 2006, and on 13th July, 2018, the Petitioner was converted to a public limited company and its name was change to its present name, i.e., „Affle (India) Limited . The Petitioner has its registered office at 312, B-Wing, Kanakia Wallstreet, Andheri Kurla Road, Andheri (East), Mumbai 400093.

3. The Respondent No. 1 is company incorporated under the Companies Act, 1956 and having its registered office at 202, S/F 94 Meghdhoot Nehru Place Delhi South, Delhi-110019, India. The Respondent-Company develops and produces input method apps (like Bobble Keyboard, Mint Keyboard etc.) for mobile platforms. The Respondent No. 2 is the founder, whole-time director and CEO of Respondent No. 1. It is submitted that by virtue of various investments and Share Subscription Agreements entered into amongst the Petitioner, Respondent no. 1 and Respondent no. 2, the Petitioner acquired shares in Respondent No.1 ("Talent Hunt" or its Brand Name "Bobble") thereby becoming its single largest shareholder (26.86%).

4. It is further submitted that various misrepresentations were made in the run up to the eventual investments. Those would be the subject matter of a dispute under the larger Share Subscription Agreements and Shareholder Agreements.

5. Issue notice. Notice is accepted by Mr. Moksha Bhat, learned counsel appearing on behalf of respondent no. 1.

6. Learned senior counsel appearing on behalf of petitioner submitted that the respondent no. 2 is a proforma party and no relief is sought on his behalf. Hence, it is prayed that the respondent no. 2 may be deleted from the array of parties. Respondent no. 2 is, thus, directed to be deleted from the array of parties. The petitioner is directed to file the amended Memo of Parties before the next date of hearing.

7. Learned counsel appearing on behalf of respondent no. 1 seeks some time to file reply. Let the same be filed within a period of three days. Rejoinder, thereto if any, be filed within a day thereafter.

8. List on 3rd February, 2023.

CHANDRA DHARI SINGH, J JANUARY 27, 2023 Dy/@k [Click here to check corrigendum, if any](#)