

CM No. 5961-CWP-2020 in/and
CWP No.7790 of 2020 (O&M)
Date of decision : 29.07.2020

Bajaj Finance Limited

..... Petitioner

versus

Aakarshan Uppal & others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE JASGURPREET SINGH PURI**

Present :- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate and
Ms. Suruchi Suri, Advocate for the petitioner.

Mr. R.Kartikeya, Advocate
for respondent No.1.

Mr. Aman Bahri, Addl.AG, Haryana.

AJAY TEWARI, J. (Oral)

CM No. 5961-CWP-2020

1. For the reasons recorded, the application is allowed. Written statement on behalf of respondent No.1 along with Annexures R-1/1 to Annexure R-1/3 are taken on record.

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2. By this petition the petitioner has sought the following reliefs :-

“Direct the respondent No.1 to forthwith restrain from publishing, uploading, writing and reporting false stories/rumours on any medium including facebook, youtube etc. and misleading the general public with respect to the business activities of the petitioner company with specific reference to notification dated 27.03.2020 (Annexure P-2) issued by the respondent No.3, Reserve Bank of India, and

subsequently updated by notification dated 23.05.2020, (Annexure P-3) wherein the RBI has granted the benefit of moratorium subject to certain conditions as enshrined therein and/or under any other guidelines/circular/notification etc., that may be notified in future in respect thereof.

AND direct the respondent No.1 to forthwith withdraw any news item, video, article including article and videos uploaded on facebook or any other platform including but not limited to

	<i>Date</i>	<i>Link</i>
1	30.04.2020	https://www.facebook.com/ibn24newsnetwork/videos/275305973633930/
2	14.05.2020	https://www.facebook.com/ibn24newsnetwork/videos/174969110495443/
3.	15.05.2020	https://m.facebook.com/story.php?story_fbid=174968977162123&id=1392736097635761?sfnsn=wiwspwa&d=w&vh=e&extid=8nF31yAqEOArxAfw&d=w&vh=e
4.	16.05.2020	https://m.facebook.com/story.php?story_fbid=167629498025961&id=1392736097635761

Or any other that may be published, uploaded, written or reported on any medium including facebook, youtube etc. w.r.t. the payment of installments by the customers of the petitioner with specific reference to the Covid-19 regulations issued by the RBI from time to time

AND direct the respondent No.2 to take action on the complaint dated 20.05.2020 (Annexure P-9) which has been made by the petitioner against the respondent No.1. ”

3. The averments in the petition are that the respondent No.1 has been publishing false news against the petitioner and has been wrongly mentioning that all the persons who have taken loan from the petitioner have an automatic right to be considered for benefit of

moratorium which was announced by the RBI, which is mis-interpretation.

4. It has further been mentioned that a police complaint was also lodged but no action was taken and thereafter legal notice was also issued to the respondent No.1 to desist from making/publishing false news but to no avail.

5. In reply filed by the respondent No.2 it has been stated that after notice of motion was issued in this case necessary action has been taken on the complaint (Annexure P-9). It has been further mentioned in the reply that as a matter of fact complaints have been filed against the petitioner also and action is being taken on those complaints. In the reply filed by the respondent No.1 a preliminary objection has been taken that no petition could lie against the respondent No.1 who is the private person. It has further been alleged that all the material published by the respondent No.1 is correct and infact it is the petitioner who has been arm twisting various persons who had obtained loan from it against the spirit of the moratorium ordered by the RBI.

6. In answer to the averment about the maintainability of the writ petition against the private person learned senior counsel has vehemently argued that once respondent No.1 is undertaking a public function therefore a writ petition is maintainable against him.

7. In our considered opinion, in today's World where everybody's connected to everybody else by means of electronic, social network and other instant communication and where any person individual share information, ideas, career interest or other forms of expressions via virtual communities and network and become viral and

shared by millions of people and especially where the petitioner has already filed criminal complaint against respondent No.1 on which police had initiated inquiries and the enquiry officer has concluded that no case of criminal intimidation or mischief was made out in the complaint. No further action is called for in this petition.

8. Petition stands dismissed.

9. However, the petitioner would of course have the liberty of seeking all other remedies available in law.

10. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(JASGURPREET SINGH PURI)
JUDGE

29.07.2020

pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No