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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9421/2022 & CM APPLs. 28185/2022, 45903/2023,
45903/2023 & 45904/2023
SURESH MANSHARAMANI Petitioner
Through:

versus

UNION OF INDIA, MINISTRY OF ELECTRONICS AND
INFORMATION TECHNOLOGY, THROUGH SECRETARY &
ANR. Respondents

Through: Mr. Anju Bhushan Gupta, SPC with
Mr. Abhigyan Siddhant, GP and Mr.
Aditya Goel, Advocate for R-1.
Mr. Varun Pathak, Ms. Anee Rana
and Mr. Vishesh Sharma, Advocates
for R-2.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

30.01.2024

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1. The Petitioner has approached this Court with the following prayers:

“a) Issue a Writ/Order/Direction in the nature of Certiorari quashing the impugned decision dated 19.09.2021 taken by Respondent No.2 wherein it suspended the advertisement account, business account and Business manager of the Petitioner.

b) Issue a Writ/Order/Direction in the nature of Mandamus restoring along with the advertisement account, business account and Business manager of the Petitioner herein;

c) Pass any other Writ(s)/Order(s)/Direction(s)/Relief(s) in favour of the



Petitioner and against the Respondents in the interest of justice.”

2. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 provides for a grievance redressal mechanism for a person aggrieved by the action of an intermediary. Rule 3(2) and 3(A) of the said Rules reads as under:

“(2) Grievance redressal mechanism of intermediary:

(a) The intermediary shall prominently publish on its website, mobile based application or both, as the case may be, the name of the Grievance Officer and his contact details as well as mechanism by which a user or a victim may make complaint against violation of the provisions of this rule or any other matters pertaining to the computer resources made available by it, and the Grievance Officer shall

(i) acknowledge the complaint within twenty-four hours and resolve such complaint within a period of fifteen days from the date of its receipt: Provided that the complaint in the nature of request for removal of information or communication link relating to clause (b) of sub-rule (1) of rule 3, except sub-clauses (i), (iv) and (ix), shall be acted upon as expeditiously as possible and shall be resolved within seventy-two hours of such reporting; Provided further that appropriate safeguards may be developed by the intermediary to avoid any misuse by users;]

(ii) receive and acknowledge any order, notice or direction issued by the Appropriate Government, any competent authority or a court of competent jurisdiction.

(b) The intermediary shall, within twenty-four hours



from the receipt of a complaint made by an individual or any person on his behalf under this sub-rule, in relation to any content which is prima facie in the nature of any material which exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct, or is in the nature of impersonation in an electronic form, including artificially morphed images of such individual, take all reasonable and practicable measures to remove or disable access to such content which is hosted, stored, published or transmitted by it:

(c) The intermediary shall implement a mechanism for the receipt of complaints under clause (b) of this sub-rule which may enable the individual or person to provide details, as may be necessary, in relation to such content or communication link.

3A. Appeal to Grievance Appellate Committee(s).—

(1) The Central Government shall, by notification, establish one or more Grievance Appellate Committees within three months from the date of commencement of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022.

(2) Each Grievance Appellate Committee shall consist of a chairperson and two whole time members appointed by the Central Government, of which one shall be a member ex-officio and two shall be independent members.

(3) [Any person who is aggrieved by a decision of the Grievance Officer or whose grievance is not resolved within the period specified for resolution in sub-clause



(i) of clause (a) of subrule (2) of rule 3 or clause (b) of sub-rule (2) of rule 3 or sub-rule (11) of rule 4A, as the case may be,] may prefer an appeal to the Grievance Appellate Committee within a period of thirty days from the date of receipt of communication from the Grievance Officer.

(4) The Grievance Appellate Committee shall deal with such appeal expeditiously and shall make an endeavour to resolve the appeal finally within thirty calendar days from the date of receipt of the appeal.

(5) While dealing with the appeal if the Grievance Appellate Committee feels necessary, it may seek assistance from any person having requisite qualification, experience and expertise in the subject matter.

(6) The Grievance Appellate Committee shall adopt an online dispute resolution mechanism wherein the entire appeal process, from filing of appeal to the decision thereof, shall be conducted through digital mode.

(7) Every order passed by the Grievance Appellate Committee shall be complied with by the intermediary concerned [or the online gaming self-regulatory body concerned, as the case may be,] and a report to that effect shall be uploaded on its website”

3. In view of the fact that there is an alternate efficacious remedy available to the Petitioner, this Court is not inclined to entertain the present Writ Petition at this juncture.

4. It is open for the Petitioner to avail the remedy as provided for under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.



5. The Writ Petition is disposed of along with the pending applications, if any.
6. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

JANUARY 30, 2024
Rahul