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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 553/2022 & I.As. 14743/2022, 14744/2022**

**MOONSHINE TECHNOLOGY PRIVATE LIMITED
& ANR.**

..... Plaintiffs

Through: Mr. Subhash Bhutoria, Adv. (M-
8860499666)

versus

**THE ADVERTISING STANDARDS COUNCIL OF
INDIA**

..... Defendant

Through: Ms. Avni Singh, Adv. (M-
9958018998)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **22.02.2024**

1. This hearing has been done through hybrid mode.
2. The present suit has been filed on behalf of the Plaintiffs *inter alia* seeking grant of permanent injunction as also damages against the Defendant- The Advertising Standards Council of India in respect of the advertisement of the Plaintiffs. The Plaintiffs vide this petition further seeks a decree of declaration in its favour that the Plaintiffs' advertisement is fair. It is averred that the Plaintiffs are aggrieved with a communication dated 23rd August, 2022 sent on behalf of the Defendant to the Plaintiffs as also copied to Google LLC wherein the Plaintiff was asked to suitably modify/discontinue the advertisement.
3. On 13th September, 2022 Senior Counsel appearing on behalf of the Plaintiffs submitted that on the basis of the said communication dated 23rd August, 2022 by the Defendant, Google LLC/YouTube has taken down the



aforesaid advertisement of the Plaintiffs' which is the subject matter of the said communication.

4. On the other hand, Id. Counsel appearing for the Defendant submitted that the said communication was a recommendation and not an order *per se* and that the same is not binding. The Id. Counsel further submitted that it is not averred in the plaint by the Plaintiff that their advertisement was taken down by Google LLC/ YouTube pursuant to the aforesaid communication dated 23rd August, 2022.

5. The Court recorded the submissions of the parties and held that it could not be demonstrated that the impugned communication has caused hindrance in the dissemination of the advertisement of the plaintiffs and consequently, did not pass any *ad interim* order in favour of the Plaintiffs.

6. Today, Id. Counsel for the Plaintiffs submits that he has instructions to withdraw the present suit as the advertisement which was the subject matter of the suit has been discontinued.

7. Accordingly, the suit is dismissed as withdrawn. All pending applications, if any, are disposed of.

PRATHIBA M. SINGH, J

FEBRUARY 22, 2024

Rahul/RKS/bh