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

+ **CM(M)-IPD 26/2024 and CM 129/2024**

**JAPJEET SINGH**

.....Petitioner

Through: Mr. Laksh Khanna, Ms. Smriti  
Maheshwari and Ms. Diksha Suri,  
Advocates.

versus

**M/S TEAMWORK EDUCATION  
FOUNDATION & ANR.**

.....Respondents

Through: Mr. Abhishek Harjika, Advocate for  
respondent no. 1.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

**23.12.2024**

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1. The present petition has been filed under Article 227 of the Constitution of India seeking setting aside of the order dated 30<sup>th</sup> November, 2024 passed by the District Judge (Commercial Court-08), South East District, Saket, Delhi in C.S. (COMM) 284/2019, whereby the Commercial Court has allowed the respondent no.1/plaintiff to access the copies of digital and electronic data seized by the Local Commissioner.

2. The relevant extract of the impugned order dated 30<sup>th</sup> November, 2024 is set out below:-

*“9. Copies of all digital and electronic data seized by learned Local Commissioner be provided to plaintiff as per rules. The application of plaintiff stands disposed of accordingly.”*

3. Notice in this petition was issued on 9<sup>th</sup> December, 2024 and the direction contained in paragraph 9 of the impugned order set out above was



stayed.

4. Counsel enters appearance on behalf of respondent no.1/plaintiff and submits that the petitioner/defendant no.1 is an ex-employee of the respondent no.1/plaintiff, who during the course of his employment with respondent no.1/plaintiff, misappropriated and unlawfully transferred respondent no.1/plaintiff's proprietary data through Google Drive using corporate credentials and official Google Mail ID.

5. It is the case of the respondent no.1/plaintiff that the confidential data relates to coaching centres, channel partners, customers list, formulas, financial details of the parties, data with respect to prospective students, passwords, financial information, respondent no.1/plaintiff's bank details and passwords, personal details of the clients and students, source code, strategy documents, scanned files, spreadsheets, HTML reports, written reports containing the findings of the analysis, along with other trade secrets such as in house data generated during the course of the business activities, all confidential data relating to customer database, students database, e-books, accounts information, bills, plans, reports, research reports, brochures, pamphlets, own digital books, email communications, exclusive and confidential agreements with the parties/clients/colleges/coaching centres/third parties, study materials, papers, test series and other financial/administrative/ organizational information.

6. Counsel for the petitioner/defendant no.1 submits that electronic and digital data seized by the Local Commissioner includes private and personal data belonging to the petitioner/defendant no.1, which is irrelevant to the present proceedings and constitutes a violation of the petitioner/defendant no.1's right to privacy. It is submitted that the respondent no.1/plaintiff is



seeking copies of the data seized by the Local Commissioner without specifying and identifying the data that is relevant to the present case.

7. I have heard counsel for both the parties.

8. As per the report of the Local Commissioner dated 28<sup>th</sup> May, 2019, various items were seized during the execution of the local commission at the premises of respondent no.2/defendant no.2. These included printed documents, two Cruzer 16 GB USB drives (one retrieved from a drawer and the other from the server room), two mobile phones (Samsung Galaxy S8 and Nokia 105) with chargers, a Dell Latitude 3490 laptop with its charger (hereinafter the 'electronic devices'), all of which were sealed in separate envelopes at the site.

8.1. All the electronic devices that were seized by the local commissioner are currently with the Ahlmad attached to Mr. Raj Kumar Tripathi, District Judge (Commercial Courts-8), Saket District Courts, New Delhi.

9. To address the concerns of both the parties, it is deemed appropriate to appoint Local Commissioners to ensure that while releasing the confidential data to the respondent no.1/plaintiff the private data of the petitioner/defendant no.1 is not disclosed to the respondent no.1/plaintiff.

10. Counsel for the parties submits that since the exercise involves the extraction of data from electronic devices, one of the Local Commissioners with a background in Information Technology may be appointed.

11. Accordingly, Mr Zameem Ahmad Khan (Mobile No. +91-9650006732), Joint Director (IT), Delhi High Court and Ms. Ann Joseph, Advocate (Mobile No. +91 9205230113) are appointed as Local Commissioners.

12. The following directions are passed in this regard:



- i. The Local Commissioners shall coordinate with the Ahlmad attached to Mr. Raj Kumar Tripathi, District Judge (Commercial Courts-8), Saket District Courts, New Delhi, to retrieve the data from the seized electronic devices currently under his custody.
- ii. The data contained in the seized electronic devices shall be examined and analysed by the Local Commissioners in the presence of the authorized representatives of the petitioner/defendant no.1 and the respondent no.1/plaintiff.
- iii. The Local Commissioners with the assistance of the authorized representatives of the parties, shall identify the respondent no.1/plaintiff's confidential data as detailed above, in paragraph 5.
- iv. The respondent no.1/plaintiff's confidential data shall be transferred to a separate hard drive, which shall be supplied by counsel for the respondent no.1/plaintiff.
- v. The plaintiff's confidential data so copied in the hard drive shall be made available to both the petitioner/defendant no.1 and the respondent no.1/plaintiff on their respective storage devices.
- vi. If there is a dispute between the parties with regard to what constitutes respondent no.1/ plaintiff's confidential data the same shall be copied by the Local Commissioners in a separate folder in the same hard drive.
- vii. The copy of the disputed confidential data, copied in a separate folder, shall be made available to the parties only after a



determination by the Commercial Court whether the same amounts to confidential data or not.

- viii. The seized electronic devices shall be returned to the petitioner/defendant no.1 upon the completion of the copying of the identified confidential data onto the hard drive provided by the respondent no.1/plaintiff.
- ix. The respondent no.1/plaintiff and their representatives are directed to provide full assistance to the Local Commissioners for executing the present commission.
13. The fee of the Local Commissioners is fixed at Rs. 50,000/- each per day plus out-of-pocket expenses, which shall be borne by the respondent no.1/plaintiff.
14. Liberty is given to both sides to take printouts of the data recovered from the seized electronic devices and file the same before the Commercial Court.
15. The Commercial Court shall take up this matter 15 days after the aforesaid exercise has been completed so that parties can make submissions based on the data made available to them.
16. The petition stands disposed of in light of the directions passed above.

**AMIT BANSAL, J**

**DECEMBER 23, 2024/kd**