

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 1108 OF 2025
IN
COMMERCIAL IP SUIT NO. 177 OF 2025

HDFC Life Insurance Company Limited ...Applicant/Plaintiff

Versus

Meta Platforms INC & Ors. ...Respondents/Defendants

WITH
INTERIM APPLICATION (LODGING) NO. 258 OF 2025
IN
COMMERCIAL IP SUIT NO. 177 OF 2025
WITH
COMMERCIAL IP SUIT NO. 177 OF 2025

- Mr. Sameer Pandit a/w Ms. Krina Gandhi and Ms. Chandni Turakhiya i/b Wadia Ghandy & Co, for the Applicant/Plaintiff in COMIP/177/2025.
- Mr. Ameya Gokhale a/w Mr. Varun Pathak, Ms. Amee Rana, Mr. Dhruv Bhatnagar, Mr. Tanuj Sharma and Mr. Abhishek Mookerjee i/b Shardul Amarchand Mangaldas, for Respondent/Defendant No.1 in COMIP/177/2025.
- Mr. Vivek Reddy, Senior Counsel a/w Ms. Swati Agarwal, Mr. Shashank Mishra, Mr. Rishabh Jaisani, Mr. Mohit Singh, Mr. Vaarish Sawlani, Mr. Harit Lakhani and Ms. Rithika Mathur i/b Shardul Amarchand Mangaldas, for Respondent/Defendant No.2 in COMIP/177/2025 and for Applicant in IAL/258/2025.
- Mr. Ritvik Kulkarni a/w Mr. Surya Ravikumar for Defendant No.3 in COMIP/177/2025.
- Mr. Ashish Mehta a/w Mr. Pratik Irpatgire, for Defendant Nos.4 and 5 in COMIP/177/2025.

CORAM: MANISH PITALE, J.

DATE : 08th MAY 2025.

P. C. :

1. Heard learned counsel for the parties.

2. By these proceedings, by an order dated 29th November 2024, this Court had granted ad-interim reliefs in favour of the applicant/plaintiff and there are specific directions contained in paragraph No.18 thereof.

3. The defendant No.2 has filed Interim Application (Lodging) No.258 of 2025, seeking to vacate/modify the ad-interim order, *inter alia*, for the reason that the timeline of 24 hours provided in paragraph No.18(vi) is not in consonance with the Information Technology (intermediary guidelines and Digital Media Ethics Code) Rules, 2021, which provides for a timeline of 36 hours for the said purpose.

4. This Court heard submissions on behalf of the parties in respect of the proposed modification of the ad-interim order dated 29th November 2024, on a few occasions. Further detailed hearings were required, for the reason that peculiar facts and circumstances have come to fore in these proceedings and it was felt that passing a wide-ranging order may go against the settled position of law that neither the plaintiff nor the intermediary can be adjudicators of the infringing content in such cases.

5. After having heard the learned counsel for the rival parties in detail, this Court is of the opinion that in the peculiar facts and circumstance of the present case, the ad-interim order dated 29th November 2024 can be

modified and replaced by an order that has the effect of disposing of the interim application filed under Order XXXIX Rules (1) and (2) by the plaintiff and also the aforesaid application for modification filed on behalf of defendant No.2.

6. In view of the above, both the aforesaid interim applications are disposed of as follows:

- (a) Defendant No. 6 and their directors, proprietors, operators, partners, employees, agents, servants and affiliates and any persons claiming through them are temporarily restrained from using, copying, publishing, distributing, transmitting, communicating or disclosing to any person the confidential information described in Exhibit B-1 to the Plaint and any other information relating to the Plaintiff that is not available in the public domain by any medium whatsoever or on any platform whatsoever;
- (b) Defendant No. 6 and their directors, proprietors, operators, partners, employees, agents, servants and affiliates and any persons claiming through them are temporarily restrained from infringing the Plaintiff's registered trademarks "HDFC Life" "Sar uthake jiyo" and



by making, creating, publishing, uploading, circulating and/or reproducing content depicting the use of any trademark that is identical and/or that is deceptively similar and/ or substantial reproduction of the Plaintiff's trademarks or of any like nature in any medium/form including television, print media and/or the internet and/or in any manner whatsoever;

- (c) Defendant No. 6 and their directors, proprietors, operators, partners, employees, agents, servants and affiliates and any persons claiming through them are temporarily restrained from passing off the Plaintiff's mark and brand name "HDFC Life" "Sar utha ke jiyo" and



and/or words and/or use of a mark that are identical and/or deceptively similar to the Plaintiffs trademarks and further restraining the Defendant No. 6 from misleading/ misrepresenting to any person that they have any association with the Plaintiff and/ or its business activities in any manner whatsoever;

- (d) Defendant Nos. 1 to 5 are directed to take all steps

necessary to:

- (1) forthwith remove, delete, block and disable accounts, content, domain names, and phone numbers and email addresses associated with such accounts referred to in Exhibit B to the Complaint, to the extent the concerned Defendants are able to identify accounts and/ or groups using their respective service/platform based on the credentials/identifiers set out in Exhibit B;
- (2) It is directed that upon intimation by the Plaintiff, Defendant Nos. 1 to 3 shall remove, delete, block and disable the accounts, groups, URLs and/or content, that use, copy, publish, distribute, transmit, communicate or otherwise disclose, or attempt or threaten to do any of the above, in respect of any content identical to the confidential information set out in Exhibit B1 of the Complaint.

The above actions shall be taken by Defendant Nos. 1 to 3 as early as possible, but in no case later than thirty-six hours as prescribed under the Information Technology

(Intermediary Guidelines and Digital Media Ethics Code), 2021 provided that the Plaintiff provides evidence (in the form of screenshots, with any confidential or sensitive information redacted), an undertaking that the redacted information falls within the categories of confidential information set out in Exhibit B1 of the Plaintiff, and adequate identifiers for the said accounts, groups or content as follows:

- (i) in case of Defendant No. 1 (Meta Platforms, Inc.): URL (and Handle, Username, if available) of the Facebook/ Instagram accounts, groups or content;
 - (ii) in case of Defendant No. 2 (WhatsApp LLC): phone/account-numbers for WhatsApp accounts and group name, invite link and/or administrator account number(s) for WhatsApp groups as applicable;
 - (iii) in case of Defendant No. 3 (Telegram): phone number/URL(s)/account details of the account or channel or group in question.
- (e) Upon intimation by the Plaintiff, Defendant Nos. 4 and 5

shall remove, delete, block and disable the domain names, phone numbers and email addresses associated with such accounts that may use, copy, publish, distribute, transmit, communicate or otherwise disclose any confidential information set out in Exhibit B1 of the Plaint or attempt or threaten to do any of the above acts.

- (f) In so far as Defendant Nos. 1 and 2 are concerned, the intimation shall be addressed to their advocates on record. In so far as Defendant No. 3 is concerned, the intimation shall be addressed to grievance-in@telegram.org with a copy to the advocates on record. For Defendants Nos. 4 and 5, the Plaintiff shall intimate them using the available email addresses with a copy to the advocates on record.
- (g) Defendant No. 4 and 5 are directed to issue necessary instructions to internet service providers, intermediaries and other relevant authorities to remove, delete, block and disable accounts, content, domain names, and phone numbers and email addresses associated with such accounts, referred to in paragraphs (d)(1) and (e) above at the earliest and preferably within 24 hours of intimation.
- (h) Defendant Nos. 1 to 3 are to disclose to the Plaintiff all

available basic subscriber information (BSI including IP details), to the extent available, of the concerned users, accounts or groups are blocked pursuant to this order in a password-protected file.

- (i) It is further directed that upon the Plaintiff informing the concerned Defendants of the above, the concerned Defendants shall have liberty to request the Plaintiff to approach the Court to obtain appropriate directions if the Plaintiff's request pertains to content that is not identical to the categories of confidential information set out in Exhibit B1 of the Plaint.
- (j) It is clarified that the present order has been passed in the peculiar facts and circumstances of the present case, and shall not be treated as a precedent.

7. Accordingly, the ad-interim order dated 24th November 2024 stands modified and replaced by the above directions and both the applications i.e. Interim Application No.1108 of 2025 and Interim Application (L) No.258 of 2025, stand disposed of.

8. At this stage, this Court is informed that the pleadings in both these applications i.e. the reply affidavits/rejoinder affidavits, for the some

reason, could not be placed on record within the timelines granted by this Court and therefore, a formal order may be passed for completion of pleadings.

9. The Registry is directed to accept the reply affidavits/rejoinder affidavits of the parties in these applications, within two weeks from today.

(MANISH PITALE, J.)