



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Swapnil

**INTERIM APPLICATION NO. 1974 OF 2025
IN
COMMERCIAL (I. P.) RIGHTS SUITS NO. 74 OF 2022**

UBS Business Solutions (India) Pvt. Ltd. ...Applicant

IN THE MATTER BETWEEN

UBS Business Solutions (India) Pvt. Ltd. ...Plaintiff

Vs.

Nisheet Singh. ...Defendant

And

Intellibonds Limited and Ors. ...Respondents

Mr. Malcom Siganporia a/w. Mr. Homruz Mehta, Mr. Virgil Braganza i/b. JSA for the applicant/plaintiff.

Mr. Ashutosh Srivastava (Thr. V.C.) for the defendant.

Mr. Nisheet Singh (Thr. V.C.).

Ms. Nandini Deshpande, 1st Assistant to Court Receiver.

CORAM : GAURI GODSE, J.

DATE : 30th MARCH 2026

ORDER :

1. This application is filed by the plaintiff seeking

necessary direction to defendant no.1 to grant access to the court receiver and FTI Consulting India Private Limited (“FTI”) to the three cloud accounts, which, according to the plaintiff, could not be accessed by FTI for deleting the confidential information of the plaintiff. The e-mail IDs of the three cloud accounts are mentioned in the prayer clause ‘a ’. In the alternative the plaintiff prays that the erstwhile employers of the defendant who are added as respondent nos. 1, 2 and 3 in the application be directed to grant access to the learned court receiver and the FTI to access the three cloud accounts which according to the plaintiff, pertains to the ex-employers of the defendant, i.e. respondent nos. 1, 2 and 3 in the application.

2. The suit is filed for a decree of injunction restraining the defendant from infringing the plaintiff’s copyright and its copyrighted work “OneHRIS” and “MyShop” (including copyrighted works listed at paragraph 26.1 and 26.2 and Exhibit A produced under sealed envelope) or from making copies thereof, or using the same in any manner whatsoever, or reproducing or issuing copies of the same in any manner so as to infringe the plaintiff’s copyright in its aforesaid works.

3. In the application for interim relief, *ex parte ad interim* relief is granted to protect the plaintiff's rights. Thereafter, the plaintiff filed an Interim Application (L) No. 2233 of 2023 seeking directions against the defendant to hand over the eighteen devices referred to in paragraph 19(c) of the application. This application was filed pursuant to the court receiver's report, and the *ex parte ad interim* order of injunction and appointment of the court receiver, vide order dated 4th December 2021.

4. It was contended on behalf of the plaintiff that after the neutral technical expert, FTI, was appointed to assist the court receiver in executing the order, the time for filing the expert report was extended. When the reports were awaited, the plaintiff filed an application for directions to the expert to submit the report in redacted form in a sealed cover, and also for a direction to preserve, in proper form, a complete unredacted report. After the report was filed, the plaintiff filed an application seeking directions that the redacted form of the report be made available to both parties and the said application was allowed. Thereafter, the plaintiff filed a further application seeking direction that both parties be provided

with a copy of the hard disk containing the annexures referred to in the report of the expert. The Interim Application (L) No. 2233 of 2023 was allowed on 3rd April 2023 in terms of prayer clause 'a', 'b' and 'c'. The operative part of the order in paragraph 35 reads as under :-

“35. In view of the above, Interim Application (Lodging) No. 4573 of 2022, filed by the Defendant is dismissed. Interim Application (Lodging) No. 2233 of 2023 filed by the Plaintiff is allowed in terms of prayer clauses (a), (b) and (c), which read as follows :

- “a. this Hon'ble Court be pleased to pass necessary orders and directions for the Defendant to hand over the 18 devices referred to in paragraph 19c of this application to the Learned Court Receiver for the sole purpose of the irreversible and secure deletion by FTI of the Applicant's confidential information contained on the devices in the possession of the Applicant, as identified in Exhibit I hereto;

- b. this Hon'ble Court be pleased to pass necessary orders and directions directing FTI to file a report of compliance of deletion of the Applicant's confidential information from the devices in the possession of the Applicant;
- c. this Hon'ble Court be pleased to pass necessary orders and direction to the Defendant to file an affidavit of disclosure stating on oath the nature of dealing qua the Applicant's confidential information as identified in "Exhibit I" hereto from the period 1st January 2021 till the date of filing the present application or for any other period as this Hon'ble Court may deem fit;"

36. The applications stand disposed in above terms.”

5. The defendant challenged the order by filing an appeal. The appeal was disposed of on 24th April 2023 by consent of the parties. For convenience and better understanding of the controversy, the order passed by consent in the appeal reads as under :-

“1. Heard the Interim Application and the merits of the

Appeal for sometime. The following order is passed with the consent of the parties.

ORDER

1. Appellant shall bring all the 18 devices identified in paragraph 19(c) of the Interim Application (L) No. 2233 of 2023 (being the application which has been allowed in by the order dated 3rd April 2023) to the Court Receiver, Bombay High Court, for deletion of only the information identified in Exhibit 'I' of Interim Application (L) No. 2233 of 2023.
2. All the devices shall be handed over in one go in the said meeting involving the presence of representatives of both Appellant and Respondent to be held on 29th April 2023 at 10.00 am. and the deletion shall be effected forthwith by the neutral expert under the control of the Court Receiver, Bombay High Court.
3. No sooner than the deletion is effected in the same meeting, the devices shall be returned to Appellant.
4. Appeal accordingly stand disposed.
5. The directions contained in the impugned order shall remain undisturbed.

6. Consequently, Interim Application disposed.”

6. Thus, as per the consent order, the defendant had agreed to bring all eighteen devices identified in paragraph 19 (c) of the application. Paragraph 19(c) of the application referred to the eighteen devices, as per the expert report. It was stated in paragraph 19(c) that from the working copy of thirty seven devices, FTI had extracted the data from only eighteen devices, which were listed in annexure 6.6 of the expert report. The extract of the expert report identifying the devices was reproduced in paragraph 19 (c). The controversy in the present application concerns item no. 18 in the list reproduced in paragraph 19 (c) of the application. The item no. 18 refers to “Cloud drive (X, One Drive; AWS, Google Drive).

7. The plaintiff alleges that four email addresses were available for the defendant's cloud accounts. Of the four cloud accounts, one was provided access, and the confidential data was deleted by FTI. However, access was not provided to the remaining three cloud accounts, as the defendant stated that they belonged to the ex-employers of the defendant and that he did not have any access to them.

Hence, this application is filed to seek directions to provide access to the three cloud accounts and to seek directions against the ex-employers of the defendant for providing access to those three cloud accounts.

8. Learned counsel for the plaintiff submits that from the FTI's report, it is clear that the confidential information of the plaintiff could be deleted by the FTI only from one cloud account. The three cloud accounts for which access was not provided are mentioned in the court receiver's report dated 25th July 2023. Learned counsel for the plaintiff relied upon the court receiver's report dated 11th April 2022, 22nd August 2023 and 16th July 2024. He submits that the report clearly states that the FTI had extracted data only for the 18 devices and had applied filters to the selected file extensions, which they also shared with the court receiver by e-mail dated 27th December 2021. According to the learned counsel for the plaintiff, the list of eighteen devices from which the data was extracted referred to three cloud accounts. Hence, access to the three cloud accounts is necessary to delete the plaintiff's confidential data and to comply with the directions issued by this court to the court receiver for deleting the confidential

data.

9. Learned counsel for the plaintiff relied upon paragraph 4.2.5 of the FTI report dated 22nd August 2023. He submits that the observations regarding the cloud data are set out in the said paragraph, which refers to the defendant's e-mail IDs from which the confidential data was transferred to the third parties. He, thus, submits that when the defendant was employed with the plaintiff, the confidential data transferred by the defendant to the third parties is required to be deleted. Similarly, the data available on the other cloud accounts from the defendant's ex-employers also needs to be ascertained and deleted, if confidential data is found on said cloud accounts.

10. Learned counsel for the plaintiff relied upon the relevant averments in the application and the additional affidavit dated 10th February 2026. He submits that pursuant to the liberty granted by this court, an additional affidavit was filed to show the nexus of the three cloud accounts with the ex-employers of the defendant. He submits that there is no dispute that the four cloud accounts were available, of which three were not provided access. The plaintiff has annexed an

extract of the defendant's LinkedIn profile to refer to the respondents nos. 1, 2 and 3, as the defendant's ex-employers. He submits that the defendant's nexus with the respondents nos. 1, 2 and 3 is seen from the LinkedIn profile maintained by the defendant. He therefore submits that it is necessary that the ex-employers of the defendants be directed to provide access to ascertain whether the three cloud accounts contain any confidential information about the plaintiff, and, if found, the same needs to be deleted. He, therefore, submits that it is necessary to issue directions to respondents nos. 1, 2, and 3 for seeking access to the cloud accounts.

11. Learned counsel for the defendant opposes the grant of any such relief. He submits that the affidavit-in-reply is filed denying that the ex-employers of the defendant have any nexus with the confidential information of the plaintiff. He submits that the plaintiff has not shown any nexus between the respondent nos. 1 to 3 and the confidential information of the plaintiff or the three cloud accounts. Learned counsel for the defendant relies upon paragraph 'H' of his affidavit-in-reply, in which the defendant submits that, only because the

defendant was a former employee of the respondent nos. 1 to 3, the accounts are reflected in the devices mentioned in the report. However, those e-mail accounts have no relation in any manner whatsoever with the defendant after the change in employment.

12. Learned counsel for the defendant submits that the defendant informed all the particulars of the devices operative in the name of the defendant. However, could not provide access to the three cloud accounts to which he has no access after he has left the services of respondent nos. 1 to 3. He, therefore, submits that in the absence of any nexus with the plaintiff's confidential information with the devices of the cloud accounts of the defendant's ex-employers, there is no question of directing the defendant or the ex-employers to provide access to the plaintiff. He submits that after the FTI report was filed, no action was taken by the plaintiff, making any such allegations that the confidential information was uploaded to the three cloud accounts. As per the satisfaction recorded in the report dated 25th July 2023, all the information on the devices provided by the defendant was satisfactorily deleted, which is reflected in the court receiver's

report dated 25th July 2023. He further submitted that only because respondents nos. 1 to 3 are the ex-employers of this defendant, it cannot be presumed that the confidential information of the plaintiff is stored in these cloud accounts.

13. I have perused the earlier orders, applications, and the FTI reports relied upon by the plaintiff. There is no dispute that the three cloud accounts to which access was not provided were identified by the defendant. It is the defendant's case that one cloud account to which the defendant has access was verified, and the data was deleted. It was submitted on behalf of the defendant that it was only with the intention of defaming the defendant; the plaintiff has involved the ex-employers in the present application and has also sent e-mails about filing this application.

14. To ascertain the nexus between the three cloud accounts and the implementation of the orders passed by this court, I have verified the relevant observations in the report relied upon by the plaintiff. In the FTI report dated 22nd August 2023, paragraph 4.2.5 sets out the observation regarding the cloud accounts. The e-mails of the defendant

from which the information was forwarded to the third parties are reproduced in the chart in paragraph 4.2.5 of the report. It is stated that the documents have been securely deleted by FTI, and the highlights of the external e-mail addresses are provided in the said paragraph. The e-mail IDs from which the documents were shown to have been sent through defendant's one of the e-mail ID to which access was provided and the remaining e-mail IDs are the e-mail ID of the defendant during the employment with the plaintiff, one of the e-mail to which information was sent is the personal e-mail ID of the defendant and the remaining e-mail IDs are of third parties. However, in the present application, the plaintiff has not sought any access to the e-mail IDs of the third parties to which the documents are shown to have been forwarded by the defendant, as reflected in paragraph 4.2.5 of the report dated 22nd August 2023.

15. The three cloud accounts to which the plaintiff requests access are the e-mail accounts provided by the defendant. These e-mail accounts were not included in the FTI report while ascertaining whether the plaintiff's allegedly stored confidential data was potentially disclosed to the defendant.

Even in the present application, no foundation is pleaded showing any nexus of the plaintiff's confidential data with these e-mail IDs with the ex-employers of the defendant, i.e. respondent nos. 1, 2 and 3, for issuing any directions for providing access to the said cloud accounts. There is no apprehension expressed in the application that the plaintiff's confidential information was likely to have been stored on those cloud accounts. None of the court receivers or the FTI reports refers to any such information, indicating that the plaintiff's potential confidential data is likely to have been stored on these cloud accounts. The reason for filing this application is that the plaintiff pleads that it is not possible to ascertain whether the plaintiff's confidential information has been dealt with by the defendant in any manner prejudicial to the plaintiff through the said three cloud accounts. Hence, the plaintiff has prayed for remediation action by seeking access to the three cloud accounts.

16. The order passed by the Division Bench was by consent to delete the plaintiff's confidential data from the 18 devices identified in paragraph 19(c) of the application. Para 19 (c) of the application referred to three cloud accounts

without providing any identifying particulars. The defendant agreed to delete the confidential data and provided the necessary devices. Even in the additional affidavit dated 10th February 2026, no statement is made on behalf of the plaintiff supporting the prayer that the third parties are required to be issued directions for compliance with the order passed by this court for deleting the confidential data from the devices of the defendant.

17. In the absence of any nexus of plaintiff's confidential data with the cloud accounts or in the absence of any apprehension expressed that the confidential data of the plaintiff is likely to have been stored on the third party's cloud accounts, I do not see any reason to issue any directions to the third parties who are the ex-employers of the defendant. Although the defendant's LinkedIn profile extract is attached to the additional affidavit, no direct nexus is shown. However, in the submissions made in the rejoinder, learned counsel for the plaintiff points out that from the extract of the LinkedIn profile, the defendant has shown himself as the owner of respondent no.2. Hence, it is not believable that the defendant would not have access to the cloud account

belonging to respondent no.2.

18. On perusal of the extract of the LinkedIn profile, prima facie it is seen that defendant no.1 has shown himself as the owner of respondent no.2. By the order passed by this court while appointing the court receiver, directions are issued for search, seizure and taking possession and control of the plaintiff's confidential information. After the reports were submitted, a subsequent order was passed for deleting the information from the devices as mentioned in the report and as reproduced in the plaintiff's application. So far as respondent nos. 1 to 4 are concerned, no particulars are mentioned in the application or the additional affidavit showing any connection with the plaintiff's confidential information or the particular reference of respondent nos. 1 to 3 with the three cloud accounts. However, the LinkedIn profile annexed to the additional affidavit, in which the defendant claims to be the owner of respondent no. 2, cannot be ignored.

19. By the order dated 4th December 2021, the defendant was directed to disclose and hand over all electronic devices in decrypted form and all cloud accounts, along with the

passwords. Hence, it is necessary that the defendant disclose the particulars referred to in the LinkedIn profile where the defendant claims to be the owner of respondent no.2. Hence, the defendant shall file a disclosure affidavit with regard to the cloud accounts maintained on behalf of respondent no.2, i.e. Legal and Compliance and Whistle Blower Protection Private Limited (Start Up). The necessary affidavit of disclosure shall be filed by the defendant on or before 9th April 2026. The affidavit shall be served upon the plaintiff in advance.

20. Stand over to 21st April 2026.

[GAURI GODSE, J.]