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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1972/2022 and CM APPL. 5659/2022**

RACHIT KAUSHIK

.....Petitioner

Through: Mr. Anirudh Sharma, Ms. Priyanka
Sarkar, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Rakesh Kumar (CGSC) along
with Mr. Sunil, Advocate for R-1
Ms. Mamta R. Jha, Mr. Rohan Ahuja,
Ms. Shruthima Chera, Mr. Rahul
Choudhary, Advocates for R2

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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15.04.2026

1. The instant petition is for the following reliefs:-

"1. Issue an appropriate Writ, Order, Declaration or Direction in the nature of Mandamus directing Respondent No.1, to take actions against Respondent No.2 for not complying with the various provisions of "IT Rules 2021".

2. Issue an appropriate Writ, Order, Declaration or Direction in the nature of Mandamus directing Respondent No.1 to enact a mechanism and consequently constitute an independent adjudicating authority / redressal forum for redressal of grievances in a time bound manner, raised by user against significant social media intermediary like Respondent No.2, who are violating their fundamental rights, by restricting them from expressing their views by adopting the process of illegal / arbitrary / selective removal of videos/contents or termination of their user accounts/channels.



3. Issue an appropriate Writ, Order, Declaration or Direction directing Respondent No.2 to restore the terminated user accounts/channels namely “Sablaktanra” and “Truth And Dare” of the Petitioner.

4. Issue an appropriate Writ, Order, Declaration or Direction directing Respondent No.2 to pay a compensation of Rs 20,00,000/- (Rupees twenty lakhs only) for causing damage both mental and financial to the petitioner by violating his fundamental rights to freedom of speech and expression by removing his videos/contents and by terminating his user accounts/channels in an arbitrary and biased manner.”

2. It appears that w.e.f. 28.10.2022 by virtue of GSR 794(E), Rule 3A has been inserted in the Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“**said Rules**”). Rule 3A provides for an appeal to the Grievance Appellate Committee, from, *inter alia*, a decision passed by the Greivance Officer, or where a grievance is not resolved within the period specified under the said Rules. For the sake of clarity, Rule 3A of the Rules of 2021 is extracted as under:-

“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 sub-rule (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 3 [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. The Court finds that the nature of grievance raised by the petitioner can be looked into, and appropriately adjudicated by, the specialised Grievance Appellate Committee established under the said Rules. So far as the apprehension of the petitioner that the Appellate Committee may not have the jurisdiction to deal with the cases, which had arisen prior to insertion of Rule 3A is concerned, the Court finds that the same would not be an impediment in resolving the dispute and hearing the grievance of the petitioner on merits. A bare reading of Rule 3A and the said Rules, does not appear to provide, any such temporal qualification to the jurisdiction of the Grievance Appellate Committee.

4. It may, also, be noted that the respondent as well, has not disputed the jurisdiction of the Greivance Appellate Committee to adjudicate upon the *lis* herein.

5. The Court, thus, finds it appropriate to relegate the petitioner to the Grievance Appellate Committee to agitate the present dispute.

6. Accordingly, the petitioner is directed to approach the Grievance Appellate Committee within a period of thirty days from today.



7. The Grievance Appellate Committee shall deal with the appeal of the petitioner on merits.
8. With the aforesaid observations, the instant petition stands disposed of.
9. All rights and contentions of the parties are left open.

PURUSHAINdra KUMAR KAURAV, J

APRIL 15, 2026

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