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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 553/2023 and I.A. 15141/2023, 15142/2023, 15149/2023**

PRAFUL BILLORE & ANR.

..... Plaintiffs

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. Prateek Singh Chaudhary,
Mr. Shah Rukh Ahmad, Mr. Vikram
Singh, Ms. Manisha Saroha, Mr.
Nikhil Beniwal, Mr. Mahabir Singh
and Mr. Navish Bhati, Advs.

versus

BAEROJGAR & ORS.

..... Defendants

Through: Mr Avi Kalra and Mr Prateek Lakra
Advocates, Advocates (M-
9891995763)
Mr. Aditya Gupta & Mr. Sauhard
Alung, Advocates for D-10 (M-
9425341404)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 28.08.2023

1. This hearing has been done through hybrid mode.
2. The Plaintiffs i.e. Plaintiff No. 1-Praful Billore and Plaintiff No. 2-MBA Chai Wala Pvt. Ltd. have filed the present suit seeking permanent injunction seeking protection of the Plaintiffs' reputation in its trademark, business, personality rights, etc.
3. The case of the Plaintiff No.1 is that he is the founder and director of the Plaintiff No.2. – '*MBA CHAI WALA PVT. LTD*'. The Plaintiff No.1 is a motivational speaker and an entrepreneur. Plaintiff No.1 claims to be a well-known face and a famous celebrity, who has set up the stores under the brand name and logo '*MBA CHAI WALA*'. The said stores were set up in

the last three years, and the Plaintiffs claim to have expanded their stores and business to more than 100 franchisees all over India, including 10 franchisees in Delhi.

4. According to the Plaintiffs, they have achieved a turnover of more than Rs.12 crores in the past three years. The grievance of the Plaintiffs against the Defendants is that the Defendant Nos.1 to 9 are YouTube channels run by various unknown persons, wherein various defamatory and slanderous statements have been made against the Plaintiffs, without any basis whatsoever. The details of the Defendants are tabulated as follows:

<i>Defendant</i>	<i>Details of the Defendants, their YouTube channel and the email address</i>
<i>Defendant No. 1</i>	<i>Baerojgar YouTube Channel: https://www.youtube.com/@Baerojgarr Email: Veer@creatorsmela.com</i>
<i>Defendant No. 2</i>	<i>Thugesh, YouTube Channel accessible at https://www.youtube.com/@Thugesh Email: officialthugesh@gmail.com</i>
<i>Defendant No. 3</i>	<i>Dhiru Monchikk YouTube Channel accessible at https://www.youtube.com/@DhiruMonchikk Email: work.dhirumonchik@gmail.com.</i>
<i>Defendant No. 4</i>	<i>EST Entertainment YouTube Channel accessible at https://www.youtube.com/@ESTEntertainment Email: shubhest77@gmail.com</i>

<i>Defendant No. 5</i>	<i>theadityasaini</i> <i>YouTube Channel accessible at</i> <i>https://www.youtube.com/@theadityasaini</i> <i>Email: collabwithadityasaini@gmail.com</i>
<i>Defendant No. 6</i>	<i>Kdlife</i> <i>YouTube Channel accessible at</i> <i>https://www.youtube.com/@kdlife</i> <i>Email: Contact@kdlife.in</i>
<i>Defendant No. 7</i>	<i>Saloni Singh</i> <i>YouTube Channel accessible at</i> <i>https://www.youtube.com/@salonisingh07</i> <i>Email: saloniyaapafs@gmail.com</i>
<i>Defendant No. 8</i>	<i>Koko Roast</i> <i>YouTube Channel accessible at</i> <i>https://www.youtube.com/@kokoroast</i> <i>Email: contacttyro7@gmail.com</i>
<i>Defendant No. 9</i>	<i>Duhan</i> <i>YouTube Channel accessible at</i> <i>https://www.youtube.com/@DuhanVikas</i> <i>Email: admin@timesyug.com</i>

5. The case of the Plaintiffs is that the Defendants are various YouTubers who have uploaded several defamatory and disparaging videos against the Plaintiffs. The grievance of the Plaintiffs is that the said videos which are uploaded on YouTube have used completely incorrect and slanderous expressions such as scam, fraud, etc. in respect of the Plaintiffs.

6. When this matter was listed on 18th August, 2023, Id. Counsel for Defendant No. 10 - Google LLC had entered appearance. In addition, in order to give opportunity to the Defendants to put forth their submissions before the Court, notices were issued to the Defendants to appear before the

Court. The said notices were served through e-mails to all the Defendants.

7. Today, insofar as Defendant Nos. 1, 6 and 7 are concerned, Mr. Gupta, Id. Counsel for Defendant No.10 submits that the concerned videos have now been made as private viewing videos on YouTube.

8. On behalf of Defendant No.5, Mr. Avi Kalra, Id. Counsel submits that the video has been deleted by his client. Insofar as Defendant No.4 is concerned, the video has been deleted.

9. The question that remains is whether these videos are defamatory and derogatory and have an adverse impact on the Plaintiffs reputation. The Court has viewed one of the videos. Clearly, the expressions used are '*MBA Fraud Wala*' and various other derogatory expressions.

10. In the opinion of the Court, the Defendant Nos. 1 to 9 have not come forward to defend their position or to justify the said publication of the videos. Under such circumstances, Defendant Nos. 1 to 9 are directed to take down/pull down their videos on YouTube, if the same have not been deleted.

11. Insofar as Defendant No.5 is concerned, a decree is passed restraining Defendant No.5 by a permanent injunction from in any manner making derogatory or disparaging remarks/publication against the Plaintiffs either in the print or electronic media either on online or on offline platforms. Such an injunction would extend even to YouTube videos in respect to the Plaintiffs businesses.

12. The impugned videos as listed above, on the YouTube platform, shall be removed within 72 hours by Defendant No.10, if the Defendant nos. 1-9 do not comply with the orders passed above.

13. Decree sheet be drawn accordingly.

14. In view of this decree which is passed, the Plaintiffs do not press for damages and costs *qua* Defendant No.5.

15. Let summons and notices be issued to the remaining Defendants i.e., 1-3 and 6-9 through e-mail. The Basic Subscriber Details (BSI) are stated to have been provided by Defendant No.10 to the Plaintiff. Upon the BSI details being provided, Plaintiffs are free to amend the memo of parties and seek summons and notices on any other contact details of the Defendant No. 1-3 and 6-9.

16. If the Defendant Nos. 1-3 and 6-9 do not pull down the said videos within 72 hours, then Defendant No.10 is directed to take down the said videos. The URLs of the same are already mentioned in the order above.

17. The Plaintiff is free to inform Defendant No.10 of any other links where identical videos are present.

18. List before the Joint Registrar on 2nd November, 2023.

19. List before the Court on 2nd February, 2024.

PRATHIBA M. SINGH, J.

AUGUST 28, 2023

Rahul/kt