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

\+ FAO(OS) (COMM) 177/2025, CM APPL. 67165/2025, CM APPL. 67166/2025, CM APPL. 67167/2025

ANI MEDIA PVT LTD .....Appellant

Through: Mr. Jayant Mehta, Senior Advocate with Mr. Sidhant Kumar, Mr. Akshit Mago, Ms. Anshika Saxena, and Ms. Mansvini Jain, Advocates.

versus

DYNAMITE NEWS NETWORK PRIVATE LIMITED & ANR. .....Respondents

Through: Mr. C M Lall, Sr. Advocate with Mr. Annanya Mehandi, Mr. Kunal Vajani, Mr. Kunal Mimani and Mr. Prashant Alai, Advocates
Ms. Mamta Rani Jha, Ms. Shruttima Ehersa Mr. Rohan Ahuja and Ms. Diya Viswanath, Advocates for R2

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% 29.10.2025

C. HARI SHANKAR, J.

1. On the ground that the videos uploaded by Respondent 1[1] on its YouTube channel under nine URLs[2] infringed the appellant's copyright, the appellant instituted CS (COMM) 251/2025[3], praying

[1] "the respondent", hereinafter, for ease of reference
[2] Uniform Resource Locator
[3] **ANI Media Private Limited v Dynamite News Network Private Limited & Anr.**

that the said videos be removed, apart from other prayers.

2. Inasmuch as the suit is presently pending before the learned Single Judge, it is not necessary for us to advert any further to the prayers in the suit.

3. With the suit, the appellant filed IA 7382/2025 under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 seeking interlocutory reliefs.

4. The suit was listed before the learned Single Judge of this Court on 21 March 2025, on which date summons in the suit and notice in IA 7382/2025 stand issued. The learned Single Judge recorded the submissions of learned Senior Counsel for the respondents (as the defendants in the suit) and proceeded to pass further directions in the following terms :

> "15. Mr. Chander Lall, senior advocate appearing on behalf of the defendant no.1 submits as under:-
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> i The defendant no.1 shall take down the nine videos from its YouTube channel, referred to in prayer clause 50 (d) of the application for interim injunction, in respect of which the plaintiff claims copyright.
>
> ii The plaintiff's videos were erroneously reproduced by some employee of the defendant no.1.
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> iii The defendant no.1 shall not use/reproduce the plaintiff's videos in future as well.
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> 16. The aforesaid statements are taken on record. The defendant no.1 shall be bound by the same.
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> 17. Mr. Lall, also submits that the defendant no.1's YouTube channel has been blocked by YouTube on account of the copyright

strikes made by the plaintiff. Without prejudice to the rights and contentions of the parties, the defendant no.1 may apply to YouTube for unblocking of its YouTube channel.

18. List before the Roster Bench on 29th April, 2025."

5. It is not in dispute that the nine videos, forming subject matter of the order dated 21 March 2025, were taken down by the respondents and their YouTube channel unblocked.

6. Thereafter, however, *the appellant approached YouTube (impleaded as Defendant 2 in the suit) directly*, alleging that there were eight other URLs of the respondents, which also infringed the appellant's copyright. *All the eight URLs had admittedly been uploaded by the respondents prior to the passing of the order dated 21 March 2025*. As such, it is clear that the uploading of the said URLs did not, in any manner, violate the interdiction contained in para 15(iii) of the order dated 21 March 2025.

7. We may also note that, before approaching YouTube directly qua the aforesaid eight allegedly infringing URLs, the appellant, despite being locked in litigation with the respondent in the suit, did not even deem it appropriate to approach this Court in the first instance, or move any application before this Court for taking down the said eight URLs.

8. YouTube, apparently following its policy to block a channel with respect to which more than three or more infringing URLs were pointed out, once again blocked the channel of the respondent.

9. Aggrieved thereby, the respondent mentioned the matter before the learned Single Judge on 14 October 2025. The learned Single Judge has noted the respondent's discomfiture at the fact that the appellant even did not deem it appropriate to approach the learned Single Judge in the first instance before directly contacting YouTube and getting the channel blocked.

10. At this juncture, we may also take note of the submissions of Mr. C. M. Lall, learned Senior Counsel for the respondents, that, in IA 7382/2025, prayer (e) of the appellant was that the YouTube channel of the respondents be deleted. Mr. Lall submits that it was because the appellant failed to obtain this relief, though sought as an interlocutory prayer from the learned Single Judge, that, by an indirect route, the appellant directly approached YouTube, with respect to allegedly infringing eight other URLs and managed to have the respondent's YouTube channel blocked.

11. A perusal of prayer (e) in IA 7382/2025, read with the order dated 21 March 2025, reveals that this is indeed the case. Prayer (e) in IA 7385/2025 read thus:

> "50. In light of the above facts and circumstances, it is humbly prayed that this Hon'ble Court may be pleased to:
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> *****
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> (e) maintain the copyright strikes against Defendant No. 1's YouTube channel *and further, delete the YouTube channels owned and managed by Defendant No. 1 in accordance with it terms of use, policy and guidelines*;"

12. The learned Single Judge, in the order dated 21 March 2025,

did not pass any order either deleting or blocking the respondent's channel permanently. Rather, subject the respondent removing the nine allegedly infringing URLs, YouTube was directed to unblock the respondent's channel.

13. Mr. Lall is, therefore, entirely justified in his complaint that, once the respondent's channel had thus been unblocked in implementation of the order dated 21 March 2025 – which, we may note, the appellant never challenged – the appellant was entirely unjustified in getting the respondent's channel re-blocked by directly approaching YouTube with a further complaint.

14. We express our undisguised displeasure at the manner in which the appellant acted in the matter. The YouTube channel of the respondents was unblocked in implementation of the order dated 21 March 2025 passed by the learned Single Judge in the suit which was between the appellant and the respondent. Without challenging the said order, the manner in which the appellant managed to get the said order reversed and have the respondent's YouTube channel once again blocked by directly approaching YouTube *in respect of URLs which were uploaded prior to the passing of the order of 21 March 2025*, deserves to be deprecated. We do so.

15. Reverting to the order dated 14 October 2025, the learned Single Judge, after noting the respondents' objection to its YouTube channel having again been blocked at the instance of the appellant, on the basis of the allegation that eight prior URLs were infringing in nature, proceeded to further record the respondent's submissions that

it was willing to take down the said URLs if its channel was unblocked. The learned Single Judge has, by order dated 14 October 2025, directed the respondents' YouTube channel to be unblocked, subject to the respondent undertaking that it would take down the aforesaid eight URLs.

16. Aggrieved by the said order, the present appeal has been instituted by the appellant.

17. We have heard Mr. Jayant Mehta, learned Senior Counsel for the appellant and Mr. C.M. Lall, learned Senior Counsel for the respondents.

18. To our mind, the present appeal is completely unjustified. The learned Single Judge has, in fact, been, if anything, eminently fair to the appellant in directing the respondents to take down the eight URLs without examining the aspect of infringement, qua the said eight URLs. We failed to see how the appellant in any manner can be aggrieved by the impugned order. The order has directed the respondents to take down the allegedly infringing eight URLs for which purpose, needless to say, the respondent's YouTube channel would have to be unblocked. With that, we are clear in our mind that the appellant's grievance qua the said eight URLs stood assuaged.

19. One of Mr. Mehta's submissions, also raised in the writ petition, is that the learned Single Judge could not have passed the impugned order qua URLs which were not subject matter of the lis between the parties, even without an application by the respondent.

We are unwilling to countenance such a submission. If anything, it is the appellant which acted unfairly. The URLs, on the basis of which the respondent's YouTube channel was again blocked at the instance of the appellant, were uploaded *prior to* the passing of the order dated 21 March 2025. The appellant could not, to our mind, have directly approached YouTube qua the said eight URLs when the dispute between the appellant and respondent was pending before this Court. By doing so, the appellant successfully managed to have the respondent's channel again blocked, without approaching this Court or obtaining its leave, thereby undoing the effect of the order dated 21 March 2025. Having done so, the appellant cannot be heard to submit that the respondent ought to have filed a fresh application to have its channel unblocked.

20. Commercial litigation may be adversarial, but even adversaries are required to act fairly.

21. There can, therefore, to our mind, be no legitimate grievance whatsoever in the mind of the appellant with the impugned order passed by the learned Single Judge. The learned Single Judge could have straightaway directed unlocking of the respondent's channel, as it had been re-blocked in the teeth of the directions contained in the order dated 21 March 2025. He has not done so. If anything, therefore, the learned Single Judge has adopted an approach which balances the equities of both sides, and ensures that fairness is achieved. The appellant should be gratified, rather than aggrieved, at the approach adopted by the learned Single Judge.

22. Mr. Mehta, prays finally, that the Court may, at least, direct that the impugned order should be limited to the respondents and would not stand in the way of any *lis* or litigation that the appellant may have with other infringers who may upload clips which may infringe the appellant's copyright.

23. We cannot pass any such direction. If any such infringing clips are uploaded by any third party, that would constitute an independent *lis* between the appellant and that third party. If the appellant decides to carry that *lis* to the Court, it would be for the Court, which is seized of that *lis*, at that time, to decide whether to rely upon the impugned order passed by the learned Single Judge in the present case or not to rely upon the order. We cannot pass any pre-emptory direction, even before any such litigation has come into existence, binding the hands of the Court, which would be ceased of such a *lis*, if and when it is instituted.

24. We, therefore, are unable to accede to the suggestion made by Mr. Mehta.

25. For all the aforesaid reasons, we find no merit, whatsoever, in the present appeal, which is, accordingly, dismissed in *limine*.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

OCTOBER 29, 2025/yg