

\$~21, 27 & 28

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ FAO(OS) 153/2013

AKUATE INTERNET SERVICES  
PVT. LTD. & ANR.

..... Appellants

Through: Mr. Sudhir Chandra, Sr. Advocate  
with Ms. Gayatri Roy, Mr. Thomas  
George, Mr. Udit Sood, Advocates

versus

STAR INDIA PVT. LTD. & ANR.

..... Respondents

Through: Mr. Parag Tripathi, Sr. Advocate with  
Mr. Saikrishna Rajagopal,  
Mr. Sidharth Chopra & Ms. Sneha  
Jain, Advocates for R-1  
Mr. Amit Sibal, Ms. R. Rangaswamy,  
Ms. Raman Kumar, Mr. Prateek  
Chadha, Ms. Ranjeeta Rohatgi &  
Mr. Rahul Mascarenhas, Advocates  
for R-3/BCCI

+ FAO(OS) 160/2013

ONMOBILE GLOBAL LIMITED

..... Appellant

Through: Mr. Sanjay Jain, Sr. Advocate with  
Mr. Hardeep Singh Anand,  
Ms. Vandana Sehgal, Mr. Rohan  
Thawani, Ms. Noor Anand, Ms.  
Ruchi Jain & Ms. P. Kaur, Advocates

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versus

STAR INDIA PRIVATE LIMITED & ANR. .... Respondent

Through: Mr. Maninder Singh, Sr. Advocate  
with Mr. Saikrishna Rajagopal,  
Mr. Gopal Jain, Mr. Sidharth Chopra &  
Ms. Sneha Jain, Advocates for R-1

Mr. Amit Sibal, Ms. R. Rangaswamy,  
Ms. Raman Kumar, Mr. Prateek  
Chadha, Ms. Ranjeeta Rohatgi &  
Mr. Rahul Mascarenhas, Advocates  
for R-2/BCCI

+ FAO(OS) 161/2013

IDEA CELLULAR LTD. .... Appellant

Through: Mr. Neeraj K. Kaul, Ms. Sonali  
Jaitley, Mr. Harsimrat, Mr. Naveen  
Chawla, Mr. Eshan Manchanda,  
Advocates

versus

STAR INDIA PVT. LTD. & ANR. .... Respondents

Through: Dr. Abhishek Manu Singhvi, Sr.  
Advocate with Mr. Saikrishna  
Rajagopal, Mr. Sidharth Chopra &  
Ms. Sneha Jain, Advocates for R-1

Mr. Amit Sibal, Ms. R. Rangaswamy,  
Ms. Raman Kumar, Mr. Prateek  
Chadha, Ms. Ranjeeta Rohatgi &  
Mr. Rahul Mascarenhas, Advocates  
for R-2/BCCI

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**CORAM:**  
**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**  
**HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA**

**ORDER**  
**20.03.2013**

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These appeals are directed against an order of the learned Single Judge dated 13.02.2013. This Court is of the opinion that having regard to the number of counsel and number of matters, as well as the nature of the arguments, the appeals would have to be heard finally.

Counsel for the appellant urges that this Court should suspend operation of the impugned order since it is based on wrong premises and assumptions. It is urged that the appellants, who are technology providers, content aggregators and cellular operators, have uninhibited right to transmit the SMSs and other forms of text to the cell phone subscribers.

Counsel for the respondents/successful plaintiffs, on the other hand, rely upon some portions of the Media Rights Agreement and submit that the definitions of "Mobile Activation Rights" and of "Mobile Rights" encompass all forms of communications, including SMS alerts to the cell phone subscribers.

Apparently, during the pendency of the proceedings, the Court had directed some of the appellants to deposit a total amount of Rs. 15 Lacs.

Having regard to the overall circumstances of the case, the Court is of the opinion that the matters require urgent hearing and shall accordingly be listed on 29<sup>th</sup> April, 2013 for final disposal.

Till the next date of hearing, as a purely interim arrangement, without in any manner expressing the opinion on the merits of the dispute, the status quo, as existed on the date of the impugned order shall be maintained by the parties provided each of the appellant deposits Rs. 10 Lacs in Court within a week. The amounts so deposited shall be kept in separate short term Fixed Deposits by the Registrar to be renewed from time to time till further orders of this Court.

The appellants are directed to maintain true and lawful accounts of the receipts in respect of the SMS alerts that they provide to the subscribers. The same shall be made available to the court as and when necessary.