

Order Sheet

In the Court of: PRL. CITY CIVIL AND SESSIONS JUDGE

BENGALURU

FR No. : O.S./1456/2017

Registration No.: O.S./26455/2017

Plaintiff

Vs

Defendent

1)ITC Limited Rep by Hemant Malik

1)Khabarswamy and Others

Nature of Case: INJUNCTION SUIT

Provision of Law: ORDER 7 RULE 1 R/W SEC 26 OF CPC 7

Advocate For Plaintiff Sri/Smt :S Prasanna Kumar

Date of Filing :15-12-2017

Date of Registration :15-12-2017

Relief :

a. Granting a perpetual injunction restraining the defendants their agents assigns or any one operating or claiming under their authority instructions from publishing circulating sharing providing access or communicating in any manner the defamatory videos contained in document no 1 or any variation thereof on any platform including but not limited to the platforms of defendants no 3, 4, 5 and 6.

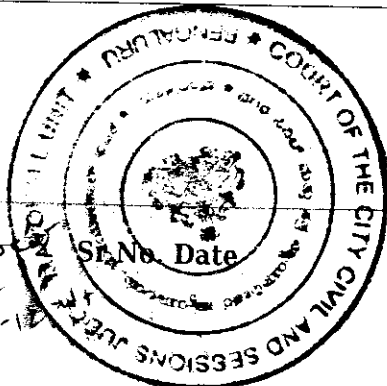
Purpose	Mode	Bank Name	Amount
Receipt No. :6150/2017-2018 Date :15-12-2017	Court Fee D.D.	THE RATNAKAR BANK LTD	259700.00
Receipt No. :6150/2017-2018 Date :15-12-2017	Process Fee D.D.	THE RATNAKAR BANK LTD	300.00

IA 1/2017 U/O 39 RULE 1 AND 2 R/W SEC 151 OF CPC

Relief : Prays to issue an order of temporary injunction restraining the respondents and any person or entity operation or claiming under through them from publishing broadcasting communicating or in way manner making available or causing or continuing to do so the videos contained at document no 1. Prays to pass ad interim ex parte of injunction in the above terms in the interest of justice and equity.

29
Bel 16/12/17
CAO/CMO
Memo filed
by Advocate.

Registered and Putup/Made Over this case to the CCJ-29
court for disposal according to law.



[Signature]
PRL. CITY CIVIL AND SESSIONS JUDGE
BENGALURU

Proceedings *[Signature]*
16/12/17

16/12/17

-2. OJ 26455/17
Case called out. Heard for
orders kept by.

PA Psk

46/17
XXVIII ACCJ. B'luru.

ORDER

The suit is filed by the Plaintiff against the Defendants
for permanent and mandatory injunction.

CPC 2. The Plaintiff has also filed IA.No.1 under Order
XXXIX Rule 1 and 2 CPC praying for an order of temporary
injunction restraining the defendants and any persons or
entity operating or claiming under/through them, from
publishing, broadcasting, communicating or in any manner
making available or causing, or continuing to do so, the
videos mentioned in the schedule to the application.

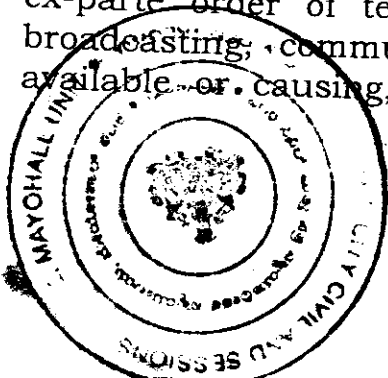
3. The perusal of the records show that the plaintiff
has a prima-facie case to pass an ex-parte order of
injunction as below. At this stage the balance of convenience
is in favour of the plaintiff and irreparable injury would be
caused to the plaintiff, if an order of injunction as below is
not granted.

4. The object of granting the injunction would be
defeated by delay as the repeated publishing of the content
would affect the business of the Plaintiff. Therefore, the
Plaintiff has made out the grounds to grant an ex-parte
order of temporary injunction as per Order XXXIX Rule 3
CPC.

5. Hence this Court proceeds to pass the following:-

ORDER

The Defendant Nos.1 to 6 are restrained by way of an
ex-parte order of temporary injunction from publishing,
broadcasting, communicating or in any manner making
available or causing, or continuing to do so, the videos



→. 0 20/1/17.

mentioned in the schedule to the application for public viewing.

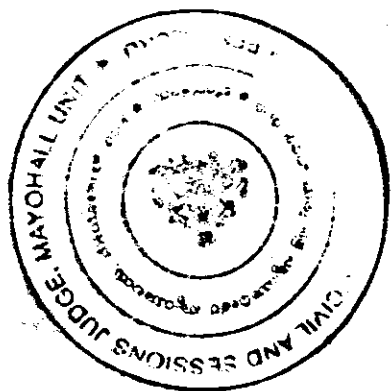
Issue emergent notice of I.A.No.I and suit summons through air mail to Defendant Nos.3 to 6 and to Defendant Nos.1 and 2 by RPAD and the ex-parte order of T.I against defendants after the plaintiffs complying with the order of XXXIX Rule 3 of CPC.

The office is directed not to issue the certified copy of this order sheet till the plaintiffs complying order XXXIX Rule 3 of CPC.

Call on: 22.1.2018.


(J.R.Mendonca),
XXVIII ACCJ.

Adro for pff
filed advance application
05/15/18 ex Complain
affidavit & PMP
TSM



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KARNATAKA
HALLAM

NOTARIES
H. N. SHARMA

TWENTY RUPEES

BEFORE THE HON'BLE COURT OF THE CITY CIVIL JUDGE

AT BENGALURU

I.A. NO. 1/2017

IN

O.S. No. / 2017

Between :

ITC Limited

A company within the meaning of
the Companies Act, 2013

having its registered office at

37, Jawaharlal Nehru Road

Kolkata- 700 071

Also having its office at

ITC Limited,

Foods Business Division

No. 18, Banaswadi Main Road,

Maruthiseva Nagar

Bengaluru- 5600 05

Versus

1. KhabarSamay,

An online news agency having its office at

Goyal Plaza,

2nd Floor, Sevoke Road

Siliguri- 734001

West Bengal

And operating through its website

www.khabarsamay.com

and Facebook page

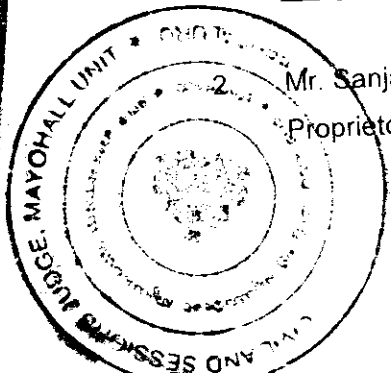
<https://www.facebook.com/khabarsamay/>

Represented by Proprietor Mr. Sanjay Sharma

Email:

info@khabarsamay.com&khabarsamay@gmail.com

...Applicant/
Plaintiff

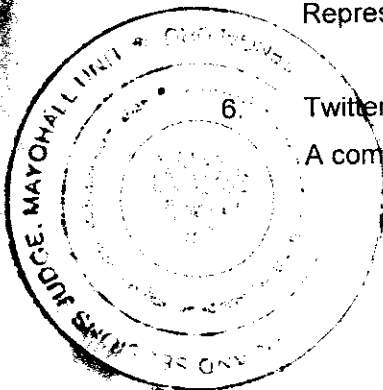


Mr. Sanjay Sharma,

Proprietor,

KhabarSamay
Goyal Plaza, 2nd Floor, Sevoke Road
Siliguri- 734001
West Bengal

3. Google Inc.,
A company incorporated under the laws of the United States of America
Having its registered office/ headquarters at
1600 Amphitheatre Parkway
Mountain View
California- 94043
United States of America
Represented by Chief Executive Officer
4. YouTube, LLC
A Limited Liability Corporation
Having its principal place of business at
901 Cherry Ave.
San Bruno, California 94066
United States of America
Owner of website www.youtube.com
Represented by Chief Executive Officer
5. Facebook Inc.,
A company incorporated under the laws of the United States of America
Having its registered office/ headquarters at
1601 Willow Road
Menlo Park
California – 94025
United States of America
Owner of website and social networking platform
www.facebook.com and Whatsapp Messenger
Represented by Chief Executive Officer



6. Twitter Inc.
A company incorporated under the laws of the United

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States of America
Having its registered office/ headquarters at
1355 Market Street
Suite 900
California 94103
United States of America
Owner of microblogging website www.twitter.com
Represented by Chief Executive Officer

7. Ashok Kumar
Fathers name not known to Plaintiff
Address not known to Plaintiff

...Respondents/
Defendants

APPLICATION FILED UNDER ORDER XXXIX RULES 1 & 2 AND SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908

For the reasons sworn to in the accompanying Affidavit, the Applicant prays that this Hon'ble Court be pleased to issue an order of temporary injunction restraining the Respondents and any person or entity operating or claiming under/through them, from publishing, broadcasting, communicating or in any manner making available or causing, or continuing to do so, the videos contained at Document No. 1 annexed to the plaint, at the URLs mentioned in the Schedule herein or at any other URL/link or platform, or any portion, variation or visual thereof, or any similar video defaming the Plaintiff, Plaintiff's brands or products, till the disposal of the suit;

and pending disposal of this application, the Applicant/Plaintiff prays that this Hon'ble Court may be pleased to pass an ad-interim *ex-parte* order of injunction in the above terms in the interest of justice and equity.

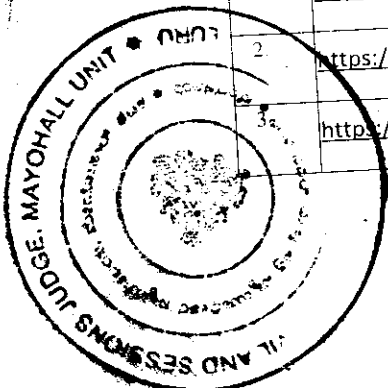
Bangalore

15.12.2017

Advocate for Applicant

SCHEDULE

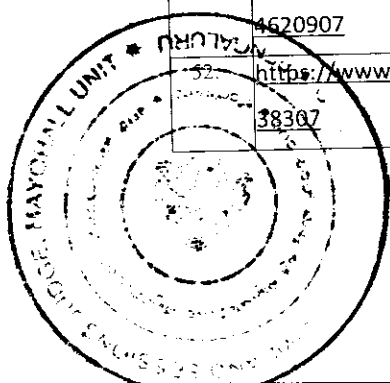
1.	https://www.youtube.com/watch?v=Vf5MjpwRgZ4&t=834s
2.	https://www.youtube.com/watch?v=06M0npAYWUc
	https://www.youtube.com/watch?v=06M0npAYWUc&t=36s



4.	https://www.youtube.com/watch?v=zcE5VDZ9kUc
5.	https://www.youtube.com/watch?v=zcE5VDZ9kUc&feature=share
6.	https://www.facebook.com/KadwaHaiMagarSachHai/videos/142963746358760/
7.	https://twitter.com/ichandanthakur/status/936784684314271744?s=08
8.	https://www.facebook.com/122682391158156/videos/1595228890570158/
9.	https://www.facebook.com/kashmirxpressnews/videos/2062182464057553/
10.	https://www.facebook.com/khadmatiKashmir/videos/863191617184110/
11.	https://www.facebook.com/cablici/posts/936544516496601
12.	https://www.facebook.com/muqeez.sameem/posts/2407982192760497
13.	https://twitter.com/haijitu/status/935460468595998720
14.	https://www.youtube.com/watch?v=9lyY1FOD_28
15.	https://m.facebook.com/story.php?story_fbid=1140190086112567&id=100003647586667
16.	https://www.facebook.com/musharaf.qadri/videos/1684995541564029/
17.	https://www.facebook.com/tirtha.sahu/posts/1140190086112567
18.	https://www.facebook.com/virai.mody77/posts/1736093416464140
19.	https://www.facebook.com/MeerAdilAli007/posts/2005481613060538
20.	https://www.facebook.com/bhavini.mistry.142/posts/10214900579813110
21.	https://www.youtube.com/watch?v=VXNQcWDX6gc&feature=youtu.be
22.	https://www.facebook.com/amirali.issani.7/videos/1648351728519940/
23.	https://www.facebook.com/kumar.ajit.9615/posts/531568863846190
24.	https://m.facebook.com/story.php?story_fbid=1770537149636631&id=100000410890892
25.	https://www.facebook.com/mk.koul.9/posts/815590275232408
26.	https://twitter.com/GoradiaJay/status/937711305875628032
27.	https://www.facebook.com/yashpal.atodaria/posts/10213119802122763
	https://www.facebook.com/hrutu.kaushk/posts/1644400272248200




29.	https://www.facebook.com/pawan.bansal.568/posts/1625567014152832
30.	https://www.facebook.com/sumitroy.bengali/videos/1680355422016282/
31.	https://www.facebook.com/sankar.pal.35110/posts/172922266632126
32.	https://www.facebook.com/sarojini.khanna/posts/10215670867351679
33.	https://www.facebook.com/kalpana.khadke.7/videos/150256302273280/
34.	https://www.facebook.com/hussain.zameer/posts/1740675692671368
35.	https://www.facebook.com/hunkyieet/posts/1709294949132764
36.	https://www.facebook.com/ahmad.wani.5473/posts/166776767389382
37.	https://www.facebook.com/Mannu322/videos/1895220623839867/
38.	https://www.facebook.com/shahnaz.shah.790/posts/1574830319276134
39.	https://www.facebook.com/PanunPressM3F/videos/133370484007214/
40.	https://www.facebook.com/100009851465010/videos/560169217654789/
41.	https://www.facebook.com/arhaannawabkhan.khan/posts/1309744559171620
42.	https://www.facebook.com/permalink.php?story_fbid=498167627232821&id=10001187641490
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46.	https://www.facebook.com/shahnaz.shah.790/videos/1574828585942974/
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49.	https://www.facebook.com/pankajkumar.maurya.7359/posts/1991829717740871
50.	https://m.facebook.com/groups/487682584614147?view=permalink&id=1440323812683348
51.	https://m.facebook.com/story.php?story_fbid=1745145375558600&id=100001894620907
52.	https://www.facebook.com/sureshvaghela.sureshvaghela.921/posts/133821740638307

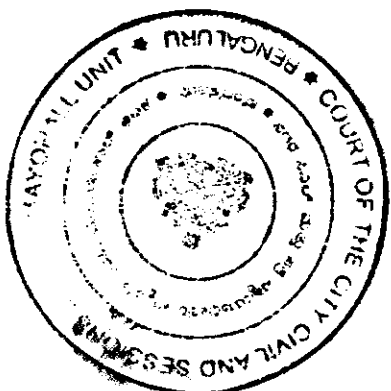


53.	https://www.facebook.com/Vikky2208/posts/1516706111758410
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55.	https://www.facebook.com/shekar.gadila/posts/863964890438185
56.	https://www.facebook.com/mehnaz.khan.370515/posts/810730425780891
57.	https://www.facebook.com/bashir.aarif.3/posts/1413742578736188
58.	https://www.facebook.com/groups/963918636963828/permalink/1739664966055854/
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60.	https://www.facebook.com/rupjoke/posts/1632340923455657
61.	https://www.youtube.com/watch?v=OIF1E9dSGOU&feature=youtu.be
62.	https://www.youtube.com/watch?v=iYF7ffjq8Lw&feature=youtu.be
63.	https://www.facebook.com/sumaiya.malik.319/posts/2142367435990707
64.	https://www.facebook.com/srinagarbroadcasting/posts/860944750750552
65.	https://www.facebook.com/emergingissues1320/posts/1970415309837154

Bengaluru

Date: 15.12.2017


Advocate for Plaintiff



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IN THE COURT OF THE PRINCIPAL CITY CIVIL JUDGE
AT BANGALORE

O.S. No. 12017

BETWEEN:
ITC Limited

PLAINTIFF

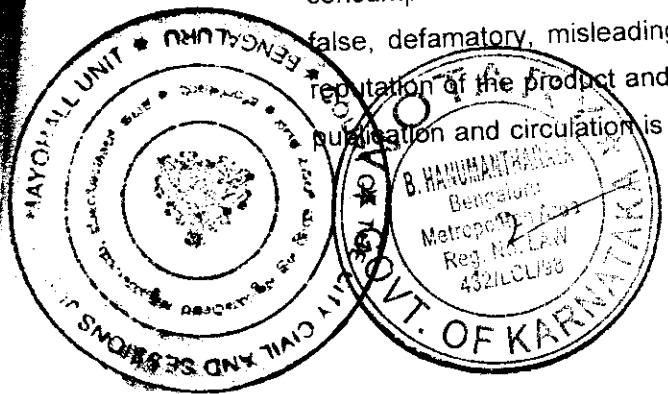
AND
Khabar Samay and Ors.

DEFENDANTS

AFFIDAVIT

I, Hemant Malik, son of Amit Prakash Malik, aged about years, working for gains at No. 18, Banaswadi Main Road, Maruthi Seva Nagar, Bengaluru-5600 05 do hereby state and declare on oath as follows:

1. I state that I am the constituted attorney of the Plaintiff, and the Authorised Signatory for the Plaintiff, in this case. I state that I am aware of the facts of the case and that I am competent to swear to this affidavit.
2. I state that the contents of the Plaint may be read as a part and parcel of the instant affidavit and the averments in the Plaint are not repeated for the sake of brevity. The parties to the instant affidavit and the accompanying application are referred to as Plaintiff and Defendants.
3. I state that the present suit is being filed seeking injunctive and compensatory reliefs against publication and circulation of certain defamatory videos relating to the Plaintiffs products, which are being broadcasted, circulated on the internet, and published and made available for public viewing by the Defendants. I state that the message sought to be conveyed by the said videos is that the product 'wheat flour' or 'atta' manufactured and/or marketed by the Plaintiff under its brand name 'Aashirvaad', contains some form of plastic, making the product hazardous to the health of consumers, and hence, unfit for consumption. I state that the contents of the said videos are absolutely false, defamatory, misleading, malicious and calculated to lower the reputation of the product and brand 'Aashirvaad', and their continuous publication and circulation is creating panic amongst the public, and is



ITC LIMITED

hm
Authorised Signatory

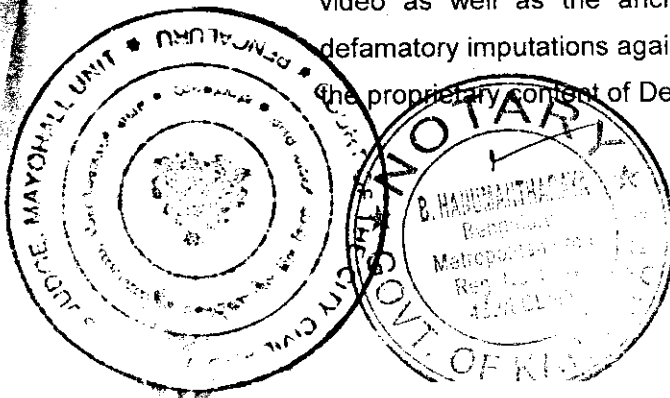
-148-

causing grave damage to the business and reputation of the Plaintiff and its products.

4. I state that Plaintiff is a well-established company with a history of more than 100 years and is carrying on business of *inter alia* Fast Moving Consumer Goods (FMCG) such as packaged and agri-food products, personal care products, branded apparels, education and stationery products, incense sticks and safety matches, paperboards and specialty papers, etc. I state that the Plaintiff constantly endeavours to benchmark its products, services and processes to global standards. In view of such uncompromising standards, I state that the products sold by the Plaintiff are perceived to be of high quality by the public and enjoy immense goodwill and reputation. I state that the Plaintiff maintains intensive quality control in relation to all its products manufactured and/or sold and has an exclusive research and development team for ensuring quality control.

5. I state that the Defendant No. 1 claims to be a news agency owning and operating a television channel under the name and style 'Khabar Samay' and the website available at the URL www.khabarsamay.com. Defendant No.1 also operates a webpage on the social networking website www.facebook.com available at the URL <https://www.facebook.com/khabarsamay/>. I state that Defendant No. 2 is the proprietor of Defendant No.1 and is responsible for all acts of Defendant No.1.

6. I state that Defendants 1 and 2, are responsible for creating and circulating, and attempting to pass off as 'news', a highly defamatory video (hereinafter, "Video-I") of duration of approximately 20 minutes, wherein a group of persons are seen carrying out an experiment to show, allegedly, that 'Aashirvaad Atta' contains plastic or rubber, by attempting to dissolve the product in water, and the persons in the video as well as the anchor are seen making various false and defamatory imputations against 'Aashirvaad Atta'. I state that Video-I is the proprietary content of Defendants 1 and 2.



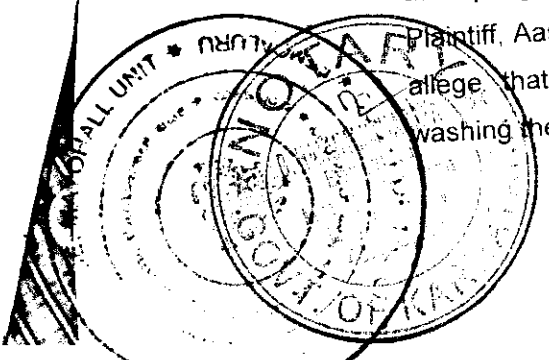
ITC LIMITED
[Signature]
Authorised Signatory

7. I state that Defendants No. 3 to 6 are internet and social media platforms providing *inter alia* social networking services. I state that the videos containing defamatory contents against Plaintiff in respect of its product 'Aashirvaad Atta' have been published for public viewing on websites/platforms of Defendants No. 3 to 6.

8. I state that Defendant No. 7 represents every unknown and unnamed person who has been producing, publishing or causing to publish on the internet through platforms including but not limited to those provided by Defendants No. 3, 4, 5 and 6, false and defamatory videos against the Plaintiff's product 'Aashirvaad Atta'.

9. I state that one of the Plaintiff's premier products is its line of packaged wheat flour/atta. I state that the Plaintiff manufactures and/or markets 'wheat flour' ('atta') under the brand name 'Aashirvaad Atta' which was launched in the year 2002. I state that the Plaintiff owns the brand/trademark 'Aashirvaad' and employs the same for the sale and marketing of the wheat flour/atta. I state that the Plaintiff ensures that wheat flour/atta sold under the name and style of Aashirvaad Atta (hereinafter referred to as 'Aashirvaad Atta') is made from the choicest grains, which are carefully ground using modern 'chakki-grinding' process for the perfect balance of colour, taste and nutrition. I state that due to the superior quality of Aashirvaad Atta, within a short span of time, Aashirvaad Atta today is a market leader in packaged wheat flour/atta both in urban and rural markets and is the largest branded packaged wheat flour/atta in the country.

10. I state that in and around June, 2017, the Plaintiff was informed by some of its employees that a video (i.e. Video-1) (approximately 20 minutes in duration) containing false, misleading and defamatory statements against Aashirvaad Atta was made available on the website of Defendant No. 1 as well as on Defendant No. 5, Facebook, by Defendant No.1. I state that Video-1 depicted certain persons attempting to dissolve what they allege to be the product of the Plaintiff, Aashirvaad Atta, in water. I state that the persons in the video allege that upon mixing the flour/atta with water and thereafter washing the flour/wheat dough with water, a small portion of the dough

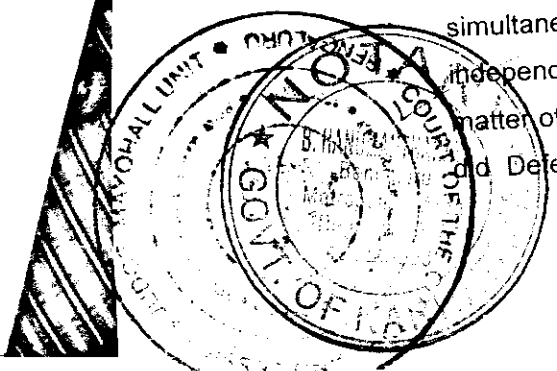


ITC LIMITED
/s/ [Signature]
Authorised Signatory

does not dissolve in water, and instead, a plastic-like residue is derived. Thereafter, the persons in the video attempt to burn this residue with a matchstick and a candle and allege that it is emitting a pungent odour. I state that the anchor in the video is seen partaking in the 'experiment' and supporting the blatantly defamatory statements made by the persons in the video at every stage. Instead of taking any steps to determine the actual composition of the dough, the anchor is seen declaring that the Aashivaad Atta contains plastic or a gum like substance. The anchor is seen calling Aashirvaad Atta as adulterated, 'plastic ka atta' and as endorsing the view that Aashirvaad Atta should be banned. Not stopping at such wholly misconceived and uninformed statements, the anchor is seen instigating the persons in the video to petition the Food Safety Department against Aashirvaad Atta, and appealing to the State Government to take cognizance of the matter. Video-I ends with the anchor referring to Aashirvaad Atta and stating that what the viewers saw all this while being dissolved in water was 'plastic ka atta' and warning the viewers of the video to be careful before purchasing wheat flour/atta; the Anchor then signs off on behalf of Defendant No.1.

11. I state that not stopping at making Video-I available on website of Defendant No. 1 and on Facebook, Defendants 1 and 2 have also shared and provided their Video-I on the pages/website portals of Defendant No. 4- YouTube and Defendant no. 6- Twitter, with the *mala fide* intention of further tarnishing the reputation of the Plaintiff and attracting more views to Video-I. I state that Defendants 4 and 6 have therefore caused to publish Video-I and its variations thereof on various social networking/media platforms further tarnishing and lowering the reputation of the Plaintiff. I state that the Video-I is also being shared on the messenger platform, Whatsapp messenger.

12. I state that the contents of Video-I are false, per se defamatory and bereft of any material basis. I state that Video-I as uploaded by Defendants No. 1 and 2 on Defendant No. 1's website and simultaneously published on its page on Facebook, is bereft of any independent study, scientific examination or enquiry on the subject matter of the video i.e. characteristic of wheat flour. I state that neither Defendant No.1 and 2 attempted to ascertain/verify the facts



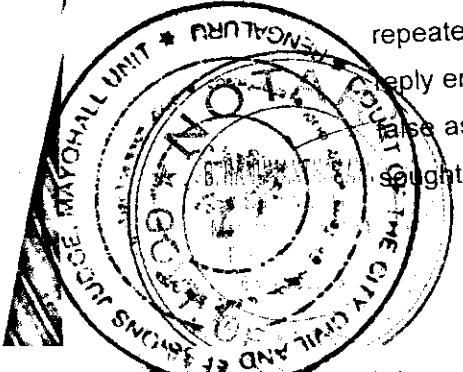
ITC LIMITED

[Signature]
Authorised Signatory

pertaining to the characteristics of wheat flour or the Aashirvaad Atta nor did Defendants No.1 and 2 have any reason to believe in the contents of Video-I, at the time of publishing it or even after publishing it.

13. I state that the material alleged to be 'plastic material' is in fact the protein called 'Gluten', which is an essential component of wheat flour. I further state that, the standards prescribed for Wheat Flour/Atta under the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 mandate that Atta should contain not less than 6 % of wheat protein on a dry weight basis. I state that even an independent laboratory in Mumbai accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) viz. MicrochemSillikerPvt. Ltd., Mumbai have tested Aashirvaad Atta as well as other popular Atta brands like Pillsbury Atta, Silver Coin Atta, Patanjali Atta and ParakhAgro Samrat Atta, and has confirmed the presence of Gluten in the samples of all these Atta in the range of 7% to 12% of Atta. I further state that the report confirms regarding all these Atta that when the Atta dough is washed with water, starch and fibre gets removed and a residue is obtained which is gluten and not plastic.

14. I state that upon being informed of Video - I, Plaintiff immediately reached out to Defendant No.2 over the telephone and explained to Defendant No. 2 that there is no plastic in 'Aashirvaad Atta' and the substance which is falsely alleged as plastic, is in fact wheat protein which is naturally present in wheat flour/atta and other cereals. I state that subsequently, Plaintiff also issued an e-mail dated 27.06.2017 to Defendant No. 2 at the email address khabarsamay@gmail.com, clarifying the facts pertaining to wheat flour and gluten and bringing to the notice Defendant No. 1 and 2 the falsity of the contents posted and circulated by them. I state that in reply to the email dated 27.06.2017, Defendant No. 2 issued an email dated 28.06.2017 to the Plaintiff. I state that despite the Plaintiff having repeatedly explained its stand over telephone as well as email, vide reply email dated 27.06.2017, Defendant No.2 while giving the Plaintiff false assurance that Video - I was removed from viewing of by public; sought from the Plaintiff a letter or a video clarifying the entire issue,



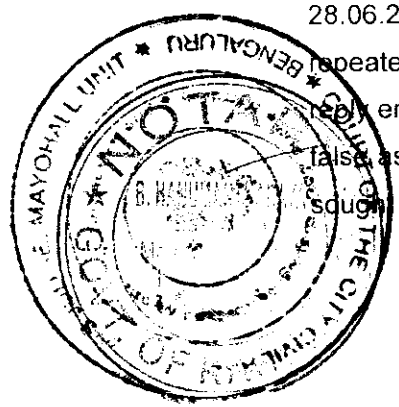
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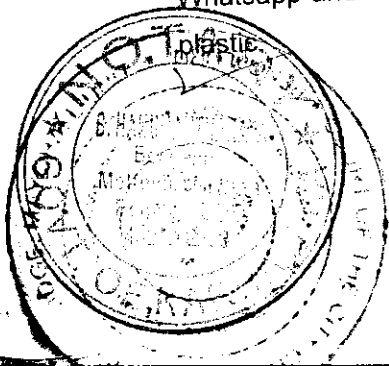


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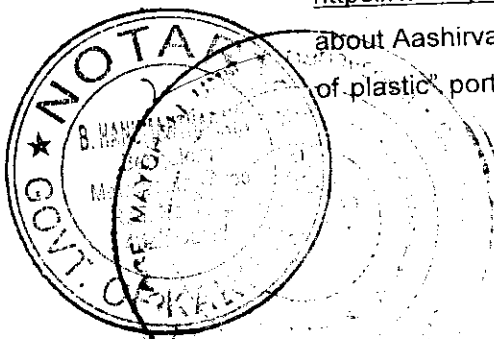
which Defendants No.1 and 2 could post on their Facebook page to purportedly 'satisfy and calm public sentiments'. I further state that, the email stated that the Defendants No. 1 and 2 expected the clarificatory letter or video from the Plaintiff within seven days of receipt of the email. I state that the tenor of the Defendant No.2's email dated 28.06.2017 was that of a veiled threat of republication of Video-I.

15. I state that in view of the untenability of the reply email dated 27.06.2017 and in view of the continuing broadcast of Video - I by Defendant No. 6 on the platforms of Defendants No. 3, 4, and 5, the Plaintiff issued a legal notice dated 13.07.2017 ('Legal Notice') to Defendants No. 1 and 2, through RPAD and private courier. I state that the Plaintiff *vide* the Legal Notice called upon Defendants No. 1 and 2 to *inter alia* cease and desist from publishing, broadcasting, telecasting, sharing or communicating in any manner Video -I or any portion thereof, to any public or any third party and deliver to the Plaintiff all copies of the Video -I in any form, failing which the Plaintiff would initiate appropriate civil and criminal action against the Defendants No. 1 and 2.
16. I state that the Defendants 1 and/or 2 did not reply to the Legal Notice; however, pursuant to the correspondence between the Plaintiffs and Defendants 1 and 2, the video was taken off from the website and other social networking platform. I state that hence, the Plaintiff did not act further on this issue.
17. I state that to the shock of the Plaintiff, on or around 6th December 2017, some of the representatives of the Plaintiff were informed by some well-wishers, that Video-I was being circulated and made available on social networking platforms such as those belonging to Defendant Nos. 4, 5 and 6. They were also informed that some other videos on the same lines had also been published on YouTube, Whatsapp and Facebook, which alleged that Aashirvaad Atta contains



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18. I state that when the Plaintiff carried out a search on the internet and on the various social networking platforms, the Plaintiff found that despite having provided sufficient clarification to Defendants 1 and 2 on the composition of Aashirvaad Atta, Defendants 1 and 2 had continued to make available the impugned Video-I available for public viewing through other channels/user accounts. I state that Plaintiff has found that Video- 1 is still available for viewing on www.youtube.com at <https://www.youtube.com/watch?v=Vf5MjpwRoZ4&t=838s>. I state that Plaintiff also found that Video-I is being made publicly available on the websites of Defendant No. 4, 5 and 6 through various user accounts.
19. I state that while conducting the search for Video-I, it also came to the notice of the Plaintiff that various other videos on the lines of Video-I or inspired by Video -I had been produced and uploaded on YouTube allegedly by some users, wherein users are seen conducting experiments using Aashirvaad Atta and upon obtaining the residue (which contains gluten), are seen declaring that the flour contains plastic.
20. I state that the Plaintiff learnt that on 03.12.2017, a video was uploaded on YouTube with the title 'AASHIRVAAD PLASTIC AATA (wheat)...if you don't believe check yours too' available at <https://www.youtube.com/watch?v=zcE5VDZ9kUc> ('Video- II'). I state that in the said video, the user alleges that she recently heard that Aashirvaad Atta contains plastic and since she had Aashirvaad Atta at home she is decided to test it. Thereafter, she goes on to say, that she has dissolved dough required to make one chappati in the water and the same has left out a huge chunk of plastic residue in her hand. She then warns the viewers against Aashirvaad Atta and says no one should make the mistake of consuming Aashirvaad Atta.
21. Further, I state that on 05.12.2017 another video has been made available on www.youtube.com available at https://www.youtube.com/watch?v=dz3_slS_5dl&t=19s titled "Truth about Aashirvaad Ata | Proved by Kashmiri | Aashivaadata is a mixture of plastic" portraying a person allegedly trying to dissolve Aashirvaad



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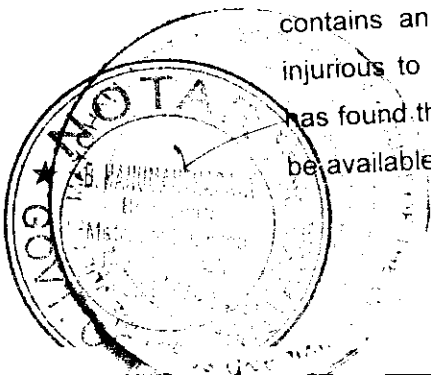
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Atta in water and thereafter, falsely alleging the residue to be plastic and harmful for human consumption ('Video III').

22. I state that on 07.12.2017 another video in two parts (collectively referred to as 'Video-IV') has been made available at <https://www.youtube.com/watch?v=nLBuKdRO0Hg&t=7s> and <https://www.youtube.com/watch?v=Kn61qskMHa4> titled 'Aashirvaad Plastic Aata exposed in Mumbai'. I state that Video-IV was also of the same tenor as that of Video-I Video-II and III i.e. depicting an unidentified person allegedly trying to dissolve Aashirvaad Atta in water and obtaining a residue in the process. I state that there is a narration in the background of Video- IV in the language Marathi, *inter alia* alleging that Aashirvaad Atta to be very dangerous as it contains plastic.

23. I state that on 08.12.2017, another video has been uploaded on YouTube available at <https://www.youtube.com/watch?v=z3nSHx5Kxeg> ('Video-V'). I state that Video V depicted a packet of Aashirvaad Atta and some dough giving the impression that the said dough is made from Aashirvaad Atta. Thereafter, the person in the video whose face is not visible tries to dissolve the dough in water and shows that some residue (which is gluten) is derived. The unidentified person in the video then puts the residue (gluten) in an apparatus which is used to make chapattis and shows that a hard biscuit like substance is made upon taking the residue out of the chapatti maker. Thereafter, the said biscuits are burnt and dropped in bowl of water. The name of the video available below where the video is available on the YouTube page is 'AashirvaadAatamaimelawaat' - plastic which translate into adulteration in AashirvaadAata.

24. I state that the defamatory videos read along with their respective titles convey the false and defamatory message that Aashirvaad Atta contains an elastic/rubber/plastic like substance and therefore it is injurious to health. I state that as on date, the Plaintiff, by its efforts has found the aforesaid defamatory videos (Video I, II, III, IV and V) to be available on 65 links, which are enumerated in the Schedule to the



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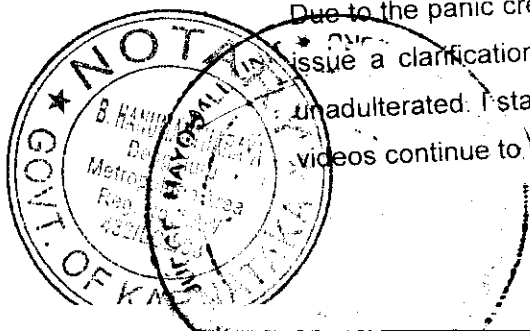
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plaint and the accompanying application. I state that Plaintiff believes that there may be many more such pages or links containing such defamatory videos.

25. I state that any brand of wheat flour dough, if washed with water, would result in a sticky residue, due to presence of gluten protein, as explained above. I state that the pointed reference only to the brand of the Plaintiff, Aashirvaad Atta in each of these videos, and the sudden resurgence of the false allegations, gives the Plaintiff reason to believe that the said videos are part of a malicious campaign / propaganda against Plaintiff by Defendants 1 and 2, and are motivated with the intention of causing loss of reputation and business to Plaintiff alone. I state that since atta is a product that is used and consumed on a daily basis in Indian households, any imputation that such product contains a hazardous component such as plastic / rubber is highly likely to result in complete rejection of the product altogether. I state that the Plaintiff believes that each of the Videos No.I, II, III, IV and V (collectively referred to as 'defamatory videos') have been created and uploaded upon the instigation and at the behest of Defendant 1 and 2, as a part of a malicious campaign to injure the reputation and business of Plaintiff, knowingly and with mala fide intention, despite being fully aware of the falsity of the claims made in the videos, and with a view to cause wrongful gain to others.

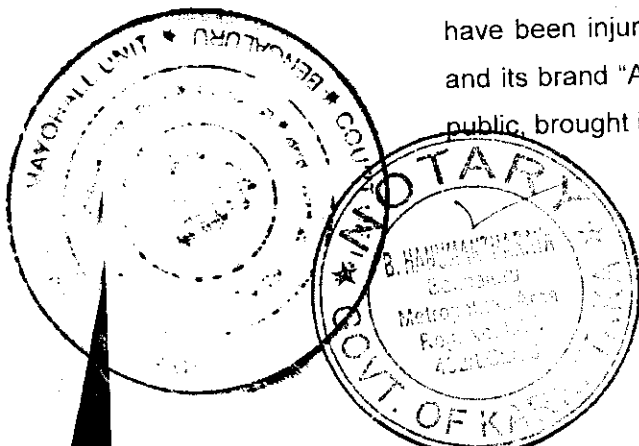
26. I state that around this period when the defamatory videos were circulated on social media platforms, representatives of the Plaintiff also started receiving frantic calls from consumers, informing them that they had seen the experiment carried out in Video-I and demanding a guarantee that the atta of Plaintiff was pure and was without any plastic additives. I state that some of the consumers even informed the Plaintiff's representatives that they had stopped using Aashirvaad Atta altogether, after watching the videos on social media. I state that the Plaintiff received a similar feedback from the market, of panic and distrust in its products, due to the availability of the defamatory videos. Due to the panic created in the market, the Plaintiff was constrained to issue a clarification on its website that Aashirvaad Atta is pure and unadulterated. I state that despite the said clarification, the defamatory videos continue to be available for public access.



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27. I state that the defamatory videos have adversely affected the image, reputation and goodwill of the Plaintiff and its product 'Aashirvaad Atta' which has been built assiduously over years. I state that the defamatory videos are replete with falsehood and malicious depictions, and not even the most rudimentary study has been carried out to ascertain facts before publishing the defamatory videos. I state that Defendants 1 and 2 have not only caused the defamatory videos to be published without having reason to believe in their truthfulness, and without verifying the contents of the same, they have continued to make the video available despite being informed by the Plaintiff that the contents of Video-1 are false and defamatory. I further state that, with the mala fide intention of creating sensation and frenzy and, defaming the Plaintiff, Defendants No.1 and 2 have circulated Video – 1 and its variations for further circulation on the platforms of Defendants 4, 5 and 6.
28. I state that the defamatory videos continue to be available for public viewing on the websites of Defendants 3 to 6 causing panic and alarm amongst consumers of the Plaintiff and damage to the reputation and huge economic loss to the Plaintiff. I state that The Plaintiff has already received numerous inquiries regarding the false, baseless, malicious and defamatory videos and continues to receive such enquiries, showing that the defamatory videos have caused huge reputational damage to the Plaintiff. I humbly state that on the internet, information is accessible worldwide causing unwarranted reputational harm to the Plaintiff for no fault of the Plaintiff.
29. I state that the Defendants causing publication and broadcasting of the said videos on internet medium have acted wrongly and maliciously to injure the reputation of the Plaintiff. I state that as a matter of fact, by publication of the said videos, the Plaintiff and its brand "Aashirvaad" have been injured in its credit and reputation. I state that the Plaintiff and its brand "Aashirvaad" have been lowered in the estimation of the public, brought in to scandal and contempt.



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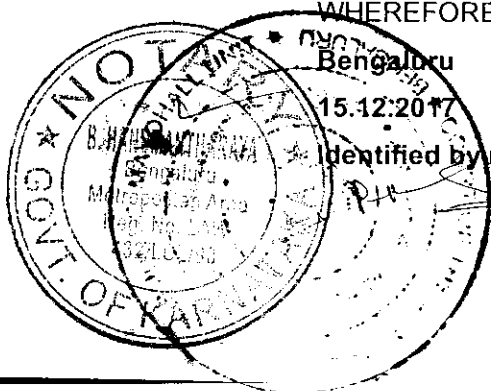
30. I state that if the false contents of the defamatory videos are allowed to remain on internet medium, the videos would cause further severe irreparable loss to the Plaintiff for which compensation in money alone would not afford adequate relief. Further, I state that unless restrained, the Defendants by an order of this Hon'ble Court will continue to publish further/similar videos in respect of the Plaintiff and its product Aashirvaad Atta, which has a direct bearing on its reputation and market sales.

31. In view of what has been stated hereinabove, I state that the Plaintiff has made out a strong prima facie case for grant of injunction. I state that if notice of the application is issued to the Defendants the object of granting the injunction would be defeated by delay as the illegal acts of the publishing, communicating and circulating for public viewing the defamatory videos is continuous, since the content is publicly available on the internet at all times and is being shared repeatedly to increase the number of views on the videos, and each time a person watches the false and defamatory videos, grave harm is caused to the Plaintiff and its reputation.

32. I state that the balance of convenience lies in favour of the Plaintiff, as no harm or prejudice or loss in any manner would be caused to any of the Defendants, should an injunction be passed in terms of the prayer made in the accompanying application. That the defamatory videos are prima facie false, has been shown by the Plaintiff by producing reports of laboratories and experts. Therefore, no balance lies in favour of continued publication of the videos. However, serious reputation loss, business loss, prejudice and irreparable damage would be suffered by the Plaintiff, should the injunction as sought for in the accompanying application not be granted.

33. I state that the accompanying application is bona fide and is made to meet the ends of justice.

WHEREFORE, the prayer in the accompanying application.



SOLEMNLY AFFIRMED SWORN TO
BEFORE ME

[Signature]
B. HANUMANTH NARAYA, B.A.L.L.S.,
ADVOCATE & NOTARY
13/1, 4th 'A' Cross, K.N. Extension
Yeshwanthpura, Bengaluru - 560 022.

[Signature]
Deposited **ITC LIMITED**

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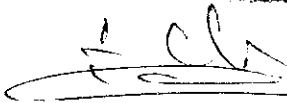
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CR NO. 16388/12

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18/12/12
 ORDERED BY
 Applicant required to appear
 Applicant appeared on
 Copy ready
 Copy delivered


 - Sheristedar
 City Civil & Sessions Court
 Mayo Hall Unit
 Bangalore

All the entries...
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202 = 6
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