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

+ **FAO(OS) 57/2015**

**DEPARTMENT OF ELECTRONICS AND  
INFORMATION TECHNOLOGY**

..... Appellant

Represented by: Mr.Sanjeev Narula, CGSC with  
Mr.Ajay Kalra, Advocate for UOI

versus

**STAR INDIA PRIVATE LTD**

..... Respondent

Represented by: Ms.Sneha Jain, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**HON'BLE MR. JUSTICE A.K.PATHAK**

**ORDER**

**% 10.03.2016**

1. Star India Pvt. Ltd. filed a suit for injunction. The grievance was to websites infringing its exclusive right to broadcast the ensuing Indo-Australia 2014-15 Cricket Series. The usual problem of the web hosting service providers and the offending websites confronted the learned Single Judge along with the intermediary i.e. internet service providers. The web hosting service providers are akin to a free market where anyone can sell their wares. The internet service providers being the ones which provide the access.
2. Recognizing the right of Star India Pvt. Ltd. in the broadcast, the only thing which the learned Single Judge had to do was to ensure that the broadcast could not be hijacked.
3. To this extent the appellant has no grievance.

4. It is the sweep of the interim order, which we note is ex-parte and has yet to be confirmed, which has troubled the appellant. The Government of India has been directed to ensure that the entire website is blocked, calling upon the Government of India to issue directions to the internet service providers and the telecom service providers to block the complete access to the website identified by Star India Pvt. Ltd.
5. Vide IT Notification No.181 dated February 27, 2003 in exercise of power conferred by Section 67 and 88 of the IT Act, 2000 a Computer Emergency Response Team of India (CERT IND) has been constituted as the single authority to issue instructions for blocking websites.
6. Blocking of websites is a highly technical matter and thus a balance has to be struck.
7. It is the specific infringement which has to be prevented and therefore it should be the specific Uniform Resource Locator (URL) which needs to be identified and blocked.
8. To explain. With the click of the button as one accesses the website, one would have to move the mouse so as to reach the specific URL where the infringing content is to be found and then clicked for the link to be established.
9. We dispose of the appeal modifying the impugned order with the direction that CERT IND would block the specific URL identified by the aggrieved person, noting that in the instant case since the cricket series is over, nothing would survive for consideration as regards the cricket series, but any declaration of law would have value as a precedent.
10. We are informed that the application for injunction filed by Star India Pvt. Ltd. has yet to be argued and thus would request the learned Single

Judge to decide the same as expeditiously as possible and preferably within the next two months.

11. No costs.

CM No.1944/2015

Dismissed as infructuous.

**PRADEEP NANDRAJOG, J.**

**A.K.PATHAK, J.**

**MARCH 10, 2016**

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