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

+ W.P.(C) 5626/2021

AMIT ACHARYA Petitioner

Through Mr.G Tushar Rao, Sr.Adv. with
Mr.AkashVajpai, Mr.Manish Kumar, Adv.

versus

UNION OF INDIA & ORS. Respondents

Through Mr. Chetan Sharma, ASG with Mr.
Ripudaman Bhardwaj, CGSC and Mr. Piyush
Berawal, Mr. Sahaj Garg, Mr. Vinay Yadav, Mr.
AkshayGadeock, Mr. Amit Aupta and Mr.
Kushagra Kumar, Adv. for R-1.

Mr Sajan Poovayya, Sr Adv with Mr Manu
Kulkarni, Mr Saransh Jain,Mr Gurpreet Singh
Kahlon, Ms Shloka Narayanan, Mr Tejpal Singh
Rathore, Mr Pratibhanu Singh Kharola, Ms Raksha
Agrawal, and Mr Sharan Balakrishna, Adv. for R-
2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **08.07.2021**

1. Although the respondent no.2 has not filed the affidavit in terms of the last order, learned counsel for the respondent no.2 has filed a short note today stating, on instructions, that the said respondent intends to fully comply with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as 'the 2021 IT Rules') and is taking expeditious steps to appoint the necessary personnel in compliance with Rule 4 (1)(a), (b) & (c) of the 2021 IT Rules. The note

also goes on to state that while the respondent no.2 is in the process of setting up a permanent liaison office in India, in the interregnum it has set up a physical office for the purpose of Rule 4(5) of the 2021 IT Rules at 4th Floor, The Estate, 121 Dickenson Road, Bangalore, Karnataka 560 042.

2. This Court is unable to appreciate as to why the note dated 08.07.2021, and the e-mail attached therein sent by the Deputy General Counsel and Vice President (Legal) of the respondent no.2, talks about *interim* appointment of the three officers required to be appointed in compliance of Rule 4(1)(a), (b) & (c) of the 2021 IT Rules, i.e., the Chief Compliance Officer, Nodal Contact Person, Resident Grievance Officer, when the statutory provisions mandates permanent appointments. In any case, since no affidavit has been filed by the respondent no.2, it is deemed appropriate, as prayed for, to grant it two more weeks to file the same.

3. The affidavit shall be executed by a competent officer of the respondent no.2, notarised in the United States of America, and filed in hard copy before this Court. A scanned copy of the affidavit is directed to be filed by 13.07.2021, and the same should be accompanied by the affidavits of the persons who have been, or are in the process of being, appointed in compliance with Rule 4(1)(a), (b) & (c) of the 2021 IT Rules.

4. It is made clear that this Court has only granted time to the respondent no.2 to file its affidavit to show compliance of the 2021 IT Rules, and there is no interim protection granted to the said respondent. It will therefore be open for the respondent no.1 to take action against the respondent no.2, in accordance with the 2021 IT Rules in case it is found in breach thereof.

5. Learned counsel for the petitioner prays for and is granted one week's time to file its rejoinder to the counter affidavit of the respondent no.2.

6. The petitioner as also the respondent no.1 will be at liberty to file a response to the affidavit that will be filed by the respondent no.2 in the next two weeks in terms of this Court's order. The said response be filed within two days from the date of receiving the said affidavit.

7. List on 28.07.2021.

JULY 8, 2021

sr

REKHA PALLI, J