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

+ **CS(OS) 499/2025**

Date of Decision: 06.08.2025

IN THE MATTER OF:

M/S TELECOMMUNICATIONS CONSULTANTS INDIA LTD. (TCIL)
THROUGH ITS
AUTHORIZED REPRESENTATIVE:
MR. ARUN DAGAR
HAVING ITS OFFICE AT:
TCIL BHAWAN,
GREATER KAILASH -1
NEW DELHI, 110048

.....PLAINTIFF

(Through: Mr. Kumar Shashank Shekhar, Advocate.)

Versus

MS. AYUSHI MISHRA, ADVOCATE
A-184-A, SHYAM VIHAR, PHASE-I,
NAJAFGARH, NEW DELHI-110043

.....DEFENDANT

(Through: Mr. Abhinav Chandar, Advocate)

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The instant civil suit has been filed for the following relief:-

“(a) Pass a decree of Permanent Injunction in favour of the Plaintiff and against the Defendant and/or her associates, agents,



representatives, correspondents, heirs, relatives etc. or otherwise permanently restraining the Defendant, her associates, or any third party associated with the or in conjunction with the Defendant from publishing, republishing, writing, speaking, directly or indirectly, any defamatory or otherwise permanently restraining, through print or electronic media or via the internet, or otherwise through any means whatsoever, from circulating, forwarding, re—forwarding, publishing, publicizing in any manner, any matter or any form of communications or publications whatsoever against the Plaintiff herein or any matter similar or incidental thereto or any other matter related to the above mentioned communications or any other matter which tends to lower the reputation of the Plaintiff in the estimation of the employees, dealers or the public at large;

(b) Pass a decree of damages in favour of the Plaintiff and against the Defendant No. 1 for an amount or Rs. 2,25,00,000/- or any such sum as may be determined by this hon'ble Court;

(c) Pass an order awarding exemplary costs and cost of the Suit in favour of the Plaintiff and against the Defendant.”

2. The facts of the case reveal that the defendant dispatched notices dated 05.03.2025 and 20.03.2025 to Bharat Sanchar Nigam Limited (BSNL), the Department of Telecommunications, and the Bihar State Electronics Development Corporation (BSEDC), alleging that Telecommunications Consultants India Limited (TCIL), the plaintiff herein, had manipulated bandwidth pricing, particularly from BSNL, to unfairly secure tenders. According to the defendant, such conduct resulted in the loss of public funds and constituted anti-competitive practices.

3. The allegations specifically referred to the BSEDC tender dated 31.12.2024 for the Bihar State-wide Area Network, wherein TCIL was declared the L-1 bidder. It is contended in the plaint that the defendant's assertions are wholly baseless, as they are unsupported by any documentary evidence, and the information alluded to in the notices derives from confidential bid/tender-related documents that are not in the public domain, thereby implying unlawful procurement thereof by the defendant. It is



further averred that non-participants in the tender/bid process lack locus standi to advance such claims as those contained in the notices.

4. According to the plaintiff, the cause of action accrued on 05.03.2025, concomitant with the initial circulation of the alleged defamatory notice, which is stated to continue to inflict reputational harm upon TCIL. The plaintiff further avers that such allegations have caused tangible prejudice, including delays in the tender award process and inquiries from BSEDC *vide* letters dated 20.03.2025 and 02.04.2025, to which TCIL responded on 28.03.2025 and 07.04.2025, respectively.

5. I have heard learned counsel for the plaintiff and have perused the record.

6. Upon a careful examination of the letter dated 05.03.2025, addressed to the Chairman and Managing Director of BSNL, with copies thereof dispatched to the Chairman of the Department of Telecommunications and the Managing Director of the Bihar State Electronics Development Corporation, it is seen that in the said letter, concerns have been articulated regarding differential bandwidth pricing practices involving BSNL and TCIL (the plaintiff herein). These practices are alleged to confer undue advantages upon the plaintiff, thereby undermining a level playing field for other bidders in the tender process.

7. The letter further posits a recurrent pattern whereby TCIL procures unprecedentedly low bandwidth prices, enabling it to emerge as the lowest bidder and secure tenders, *albeit* at the expense of project delays or execution incurring losses to public exchequer. It speculates that internal investigations may be underway against TCIL in relation to such practices and accuses TCIL of contravening guidelines issued by the Department of



Telecommunications (DoT) through price manipulation, notwithstanding that such prices ought to remain uniform for all stakeholders. Various other assertions have been advanced in the said letter.

8. Upon examining the contents of the letter against which the plaintiff holds grievance, this Court is of the considered opinion that where a communication containing certain allegations is addressed by the defendant to governmental authorities, it is within the purview of the concerned authority to conduct an inquiry into the said allegations and take appropriate measures in accordance with law. The response of the plaintiff, *vide* its letter dated 29.03.2025, contesting the contents of the defendant's letter, awaits scrutiny by the relevant government department. In the absence of such an inquiry or a clear demonstration by the plaintiff that the averments in the defendant's letter are *ex facie* defamatory, the cause of action for instituting the present civil suit does not arise. Reference can be made to the decision of this Court in the case of *D.V. Singh v. Usha Jain*¹, wherein the law laid down in *Prof. Imtiaz Ahmad v. Durdana Zamir*² was considered. The relevant portion of the decision in *Imtiaz Ahmad* reads as under:-

“11. Moreover, the defendant had a right to make complaints of her grievances to the authorities. Whenever a person makes a complaint against someone to the lawful authorities and in that complaint he makes imputations against the person complained of, it cannot be considered that the person has publicized or publicly made defamatory averments against a person. If a prosecution is initiated against the person on the basis of such averments and the person is acquitted holding that the complaint was false, then only a cause of action arises against the complainant for launching a case for false prosecution or for damages on other grounds. Until and unless a competent court holds that complaint was false, no cause of action arises...”

¹ 2024 SCC OnLine Del 7225

² 2009 SCC OnLine Del 477



9. Furthermore, in defamation suits, this Court has noted an increase in *Strategic Lawsuits Against Public Participation* (SLAPP suits) as abusive tactics employed by powerful entities to intimidate, censor, and silence critics through the imposition of burdensome legal costs and processes, thereby chilling free speech on matters of public interest. For instance, in *Crop Care Federation of India v. Rajasthan Patrika (P) Ltd*³, the Court rejected the plaint under Order 7 Rule 11 of CPC, characterizing the suit as a SLAPP action aimed at stifling journalistic discourse on the adverse environmental and health impacts of pesticides, noting that the allegations did not directly implicate the plaintiff, and were unsupported by a disclosed cause of action.

10. Similarly, in *Tata Sons Limited v. Greenpeace International*⁴, this Court dismissed an application for an interim injunction against an online environmental campaign portraying the plaintiff's project as harmful to endangered turtles, emphasizing that such suits seek to freeze public debate and that unconventional expressions like caricatures merit protection under free speech principles.

11. Further reference can be drawn to the observations made by the Supreme Court in the case of *Wikimedia Foundation v. ANI Media (P) Ltd*⁵, wherein the Supreme Court overturned an order, which directed Wikimedia to remove online content discussing an ongoing defamation suit.

12. The respondent therein objected to certain online pages and the online editorial discussions thereto, claiming that they interfered with Court

³ 2009 SCC OnLine Del 4446

⁴ 2011 SCC OnLine Del 466

⁵ 2025 SCC OnLine SC 1075



proceedings. The Supreme Court emphasized the protections and principles enshrined in Article 19(1)(a), the right to know, and noted that criticism does not automatically amount to contempt. Extrapolating the principles therein, mere criticism that certain steps taken by the plaintiff herein are anti-competitive and raise an apprehension of certain irregularity does not *ex-facie* indicate towards any defamatory statements.

13. In view of the foregoing, this Court is of the opinion that the complaint lodged by the defendant with the governmental authorities cannot be deemed unlawful. As of the present juncture, there exists no material on record to substantiate that the complaint is false or defamatory in nature. The statements contained in the defendant's letter await adjudication by the concerned governmental authority.

14. Until such time as the complaint is pursued to its logical conclusion, it cannot be construed as defamatory. It is a fundamental entitlement of any citizen to ventilate grievances before governmental authorities regarding alleged malpractices in the functioning or operations of the State.

15. Having duly considered the aforesaid aspects, the instant suit merits rejection on account of the absence of a valid cause of action.

16. Thus, the instant plaint, along with all applications, stands rejected.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 6, 2025

tr/sp