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

+ C.RULE 2/2023, I.A. 16975/2023

COSTAR GROUP INC & ANR.

..... Petitioners

Through: Mr. Rajiv Nayar and Mr. Sudhir Nandrajog, Sr. Advs. with Mr. Bishwajit Dubey, Mr. Faraz Sagar, Mr. Raunak Dhillon, Mr. Karan Khanna, Ms. Surabhi Khattar, Ms. Pallavi Chaudhary, Ms. Angela Dua, and Ms. Ananya Sikri, Advs. for P-1.
Mr. Amit Sibal, Sr. Adv. with Ms. Radhika Dubey, Mr. Faraz Sagar, Mr. Raunak Dhillon, Mr. Karan Khanna, Ms. Surabhi Khattar, Ms. Pallavi Chaudhary, Ms. Angela Dua and Ms. Ananya Sikri, Advs. for P-2.

versus

247 WEB SUPPORT & ORS.

..... Respondents

Through: Ms. Aishwarya Kane, Adv. for R-1 to 3.
Mr. Gourab Banerji, Sr. Adv. with Mr. Arjun Krishnan, Ms. Krutika Gaur, Mr. Arpit Lahoti, Mr. Mohit Pandey, Mr. T.S. Sundaram, Mr. Rakesh Talukdar, Advs. for R-4.

+ C.RULE 3/2023, I.As. 19363-65/2023, I.As. 19367- 68/2023, I.As. 19391-92/2023, I.A. 20942/2023, I.A. 21640/2023

COMMERCIAL REAL ESTATE EXCHANGE INC. Petitioner

Through: Mr. Gourab Banerji, Sr. Adv. with Mr. Arjun Krishnan, Ms. Krutika Gaur, Mr. Mohit Pandey, Mr. T.S. Sundaram, Mr. Rakesh Talukdar, Advs. for CREXi.



Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Vijayendra Pratap Singh,
Mr. Aditya Jalan, Dr. Abhimanyu
Chopra, Ms. Urvashi Misra, Mr.
Aman Chaudhary, Mr. Raghav
Agarwal, Advs. for applicant
in I.A.s 19391-92/2023

versus

COSTAR GROUP INC. & ANR.

..... Respondents

Through: Mr. Rajiv Nayar and Mr. Sudhir
Nandrajog, Sr. Advs. with Mr.
Bishwajit Dubey, Mr. Faraz Sagar,
Mr. Raunak Dhillon, Mr. Karan
Khanna, Ms.Surabhi Khattar, Ms.
Pallavi Chaudhary, Ms. Angela Dua,
and Ms. Ananya Sikri, Advs. for R-1.
Mr. Amit Sibal, Sr. Adv. with Ms.
Radhika Dubey, Mr. Faraz Sagar, Mr.
Raunak Dhillon, Mr. Karan Khanna,
Ms.Surabhi Khattar, Ms. Pallavi
Chaudhary, Ms. Angela Dua and Ms.
Ananya Sikri, Advs. for R-2.
Mr. Jeevesh Nagrath, Adv. for Local
Commissioner (Ms. Kirti Mewar).
Mr. Neeraj Kishan Kaul, Sr. Adv.
with Mr. Vijayendra Pratap Singh,
Mr. Aditya Jalan, Dr. Abhimanyu
Chopra, Ms. Urvashi Misra, Mr.
Aman Chaudhary, Mr. Raghav
Agarwal, Advs. for applicant in I.A.
23873/2023
Mr. Pranshu Paul, Mr. Divanshu Jain,
Advs. for Witness No.6.
Mr. Sanjeev Kumar, Mr. Abhishek
Kisku, Advs. for Witness No.7.



Mr. Kapil Sibal, Sr. Adv. with Mr.
Anshul Sehgal, Adv. for Witness
No.9.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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30.11.2023

I.A 23833/2023 (exemption) in C.RULE 3/2023

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

CCP(O) 89/2023 in C.RULE 3/2023

1. The present petition has been filed under Article 215 of the Constitution of India read with Sections 2 (B) and 12 of the Contempt of Courts Act, 1971 for wilful and deliberate violation of the order dated 10.11.2023 passed by this Court seeking following prayers;
 - a) *Initiate proceedings under Article 215 of the Constitution of India r/w Sections 2(b) and 12 of the Contempt of Courts Act 1971 for wilfully disobeying and violating the Order dated 10th November 2023 passed by this Hon'ble Court against the Contemnor and any other persons who may be found guilty of having committed contempt; and.*
 - b) *Pass any other or such further directions this Hon'ble Court may deem fit to issue.*
2. The petition has been moved by M/s Kroll Associates India Pvt. Ltd. (herein referred to as “Kroll”), who was appointed as a Technical Expert Commissioner by this Court vide order dated 09.09.2022 in a Commercial Suit bearing the title “**CoStar Group Inc. & Anr. v. 247 Web Support & Ors.**” and numbered as CS (COMM) NO.767/2022 which was decreed and disposed of vide order dated 06th April 2023.



3. Sh. Kapil Sibal, learned senior counsel for the applicant submits that the non-applicant/petitioner has violated the order dated 10.11.2023 passed by this Court and despite the order restraining the parties, they proceeded with the production/discovery of the documents in the U.S. Court relating to the litigation in India between the parties.
4. Sh. Kapil Sibal, learned senior counsel submits that this action of the non-applicant/petitioner is contempt of the Court on the face of it.
5. The present petition has been filed against Mr. Michael Degiorgio-Contemnor/Respondent, Chief Executive Officer, Commercial Real Estate Exchange Inc. (A corporation registered under the laws of the State of Delaware, USA and having its principal place of business at 5510 Lincoln Blvd, Suite 400, Playa Vista, CA 90094, USA).
6. Issue notice to Mr. Michael Degiorgio-Contemnor/Respondent, Chief Executive Officer, Commercial Real Estate Exchange Inc. through E-mail and courier upon taking steps by the applicant/ Kroll, returnable on 11.12.2023 at 11.30 AM.
7. Let the reply to the application (if any), be filed before the next date of hearing with an advance copy to the opposite party.
8. List on 11.12.2023 at 11.30 A.M.

I.A 23873/2023 in C.RULE 3/2023

9. The present application has been moved under Order XXXIX Rule 2A read with Order 1 Rule 10(2) and Section 151 of CPC filed by Mr. Saurabh Kumar from FTI seeking the following prayers;



a) Allow the present application and implead the Proposed Respondent (i.e., Mr. Mike Degiorgio, CEO of the Petitioner) in the present petition as party Respondent;

b) Passing an order directing the Petitioner and the Proposed Respondent (i.e., Mr. Mike Degiorgio, CEO of the Petitioner) to take remedial steps in terms of the Order dated November 10, 2023 passed by this Hon'ble Court to implement the directions contained in the said order in letter and spirit and to set right the wrongs done in violation of the said order, including without limitation, withdrawing the filing made before the Ld. Special Master, US Court in violation of the said order and not allow the perpetuation of any further wrong doing till the further orders of this Hon'ble Court ;

c) Passing an order punishing the Petitioner and the Proposed Respondent (i.e., Mr. Mike Degiorgio, CEO of the Petitioner) for the disobedience of the directions contained in the order dated November 10, 2023, passed by this Hon'ble Court, including but not limited to with a fine of an amount as may be deemed appropriate by this Hon'ble Court;

d) Passing an order directing the Petitioner to act in furtherance of the order dated November 10, 2023, passed by this Hon'ble Court;

e) Awarding actual legal costs of the present Application to the Applicant; and

f) Pass such other and further order(s) and direction(s) as may be deemed appropriate by this Hon'ble Court in the facts and circumstances of the present case and in the interest of justice.

10.Sh. Neeraj Krishan Kaul, learned senior counsel appearing for the Mr. Saurabh Kumar, Commissioner, FTI, submits that the present contempt petition has been filed on account of violation of the order dated 10.11.2023, whereby the parties were restrained from proceeding further in the proceedings before the US Court. It is



submitted that the non-applicant/ CREXi knowingly violated the order of this court.

11.Learned senior counsel further submits that action of the plaintiff amounts to breach of the Order of this court by making/filing their briefs regarding production/discovery before the US Court on the very same day and tantamount to the wilful disobedience of this Hon'ble Court order.

12.Issue notice.

13.Mr. Arjun Krishnan, learned counsel for CREXi accepted the notice.

14.Sh. Gourab Banerji, learned senior counsel appearing for CREXi submits that the present application is not maintainable at all for the reasons that firstly, such application could have been moved either by the plaintiff and further, present application is without any jurisdiction and the applicant here is not the plaintiff in the present suit.

15.Learned senior counsel submits that he will file a detailed reply to the application.

16.During the course of submissions, Sh. Kapil Sibal, learned senior counsel appearing for Kroll and Sh. Neeraj Krishan Kaul, learned counsel appearing for the Mr. Saurabh Kumar, Commissioner, have further argued vehemently that CREXi despite the order dated 10.11.2023 has proceeded with the production/recovery of the documents in the U.S. Court. This fact has strongly been refuted by Sh. Gourab Banerji, learned senior counsel for CREXi.



17. Sh. Gourab Banerji, learned senior counsel for CREXi submits that the proposal being given by the CoStar on the last date of hearing has already been rejected by the CREXi. It has further been submitted that in fact, it was CoStar who proceeded with the filing of documents for the purpose of production/discovery of documents. Learned senior counsel submits that the minutes that have been referred to by the learned senior counsel for Kroll, CoStar, and Sh. Saurabh Kumar, Commissioner are in fact informal discussions that have taken place during the Informal Discovery Conference (IDC). Learned senior counsel submits that in fact, the order dated 10.11.2023 passed by this Court has already worked it out as the proceedings in respect of production/discovery of the documents are already complete and now only the judge has to pass an order.

18. Be that is as it may be, the point is that on 10.11.2023, this Court after hearing the parties, at length on various dates took a *prima facie* view, in view of the proposal given by the CoStar and the various serious objection taken by the parties that the parties will not proceed with in respect of production/discovery of the documents before the U.S. Court. The reason for passing such an order was that since the matter was pending consideration before this Court regarding the letter of request issued by the U.S. Court and the fact that there were serious allegations/counter allegations and legal objections being raised by the parties, it was necessary that in order to see that the matter is not further complicated, an ad interim restraint order was passed directing both the parties not to proceed with in respect of production/discovery



of the documents.

19. The Majesty and dignity of the Court are of utmost importance. Senior lawyers appearing before the Court not only represent the parties but also owe a duty to the Court to see that the majesty and dignity of the Court is being maintained. If the orders of this Court are being violated then in that case, it is not adversary litigation but it is the duty of the learned senior counsels to assist the Court in a manner that such orders are being complied with in letter and spirit.

20. The submissions of Sh. Gourab Banerji, learned senior counsel for CREXi that this order dated 10.11.2023 has already been worked it out has been disputed by the opposite learned senior counsels.

21. This Court had already started hearing the matter on merits. The Court considers that matter is required to be heard on merits.

22. Notice be also issued to Mr. Michael Degiorgio-Contemnor/Respondent, Chief Executive Officer, Commercial Real Estate Exchange Inc. through E-mail and courier upon taking steps by the applicant/ FTI, returnable on 11.12.2023 at 11.30 AM

23. Let the reply to the application (if any), be filed before the next date of hearing with an advance copy to the opposite party.

24. List on 11.12.2023 at 11.30 AM.

C.RULE 2/2023, C.RULE 3/2023

25. Let this matter be listed for the final hearing, on day to day basis.



26.Let both parties also file the brief written submissions not exceeding five pages along with judgments they wish to rely upon with an advance copy served to the opposite party.

27.In the meantime, the order dated 10.11.2023 shall continue till the next date of hearing.

28.A copy of this order be given *dasti* under the signature of the Court Master, as prayed.

DINESH KUMAR SHARMA, J

NOVEMBER 30, 2023

Pallavi