



\$~43

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

+ **CS(COMM) 502/2023**

HCL TECHNOLOGIES LIMITED

..... Plaintiff

Through: Mr. Pravin Anand, Mr.
Shantanu Sahay, Ms. Imon Roy and Ms.
Vareesha Irfan, Advs.

versus

MR SANJAI RANGANATHAN

..... Defendant

Through: Mr. Harsh Kaushik, Mr. Harsh
Prakash and Mr. Arpit Srivastava, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

27.07.2023

%

CS(COMM) 502/2023

1. The grievance of the plaintiff, in this plaint, is that the defendant, who is a former employee of the plaintiff, copied certain information which was personal and confidential to the plaintiff, into his personal Gmail account and that there is a possibility that the defendant, who has thereafter joined a business competitor of the plaintiff, may share such data illegally.

2. Mr. Harsh Kaushik, learned Counsel for the defendant, emphatically contests the allegation that any data of the plaintiff was copied by him. Without prejudice thereto, he submits that the plaintiff cannot seek an injunction unless the plaintiff is able to convince the Court that the data in respect of which the injunction is being sought, is entitled to confidentiality.



3. These are matters on which I do not propose to return even a tentative finding as of now. Mr. Pravin Anand, for the present, restricts his prayer for interim relief to the 19 programs/software enumerated in para 38 of the plaint, which may be reproduced thus:

S.No.	File Names
i.	HCL EdTech Services Samsung Concept Note Verl.10.pptx
ii.	SOW_PublicisSapientV.5.docx
iii.	Comprehensive Solution -Ver 4.pptx
iv.	RFP Doc_Detailed Scope of Work.pdf
v.	Manmeet_Jalota_HCl_Profile.pdf
vi.	Gaurav_Kumar_HCl.pdf
vii.	LW-HCLEDTech_SoW_V5_Final.docx
viii.	HCL EdTech Business Fresher Hiring Program for JCI.pptx
ix.	Google-HCL EdTech Partnership Proposal.pptx
x.	Fortude Proposal.pdf
xi.	Skilling Proposal for Clarivate (002).pptx
xii.	BGSW_ETT_RFQ_HCL_RESPONSE_I 6-AUG-2022.pdf
xiii.	HCL-Bosch-Architecture.xlsx
xiv.	BGSW_ETT_RFQ_LPC_0 I AUG2022_Shared_To_PURCHASE.pdf
xv.	HCL-Aptech Alliance Agreement- Final.pdf
xvi.	Aptech HCL EdTech - SOP draft vl.2.docx
xvii.	Pricing User Template_v_2.0 _Adecco 23 rd Dec.22 _M - Revised_month9.xlsb
xviii.	HCL-Adecco Engagement Model & Pricing.pptx
xix.	Adecco SOW- 270622 v3.l.docx

4. In my *prima facie* view, an employee of a company has no business to transfer, into his personal account, any data of the company, without the company's permission. If such a practice is permitted, and intricate issues of confidentiality are thereafter sought to be raised, it could result in seriously prejudicing the functioning of corporate enterprises.



5. For the present, I do not intend to express any further opinion in this regard. Learned Counsel for the defendant submits, fairly, that, without prejudice to his categorical denial of having copied any confidential data of the plaintiff, he would not share or transmit any of the 19 programs/software enumerated in para 38 of the plaint.

6. In view thereof, let the plaint be registered as a suit.

7. Issue summons in the suit. Summons are accepted on behalf of the defendant by Mr. Harsh Kaushik.

8. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiff be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendant within 30 days thereof.

9. List before the learned Joint Registrar (Judicial) for completion of the pleadings, admission and denial of documents and marking of exhibits on 3 October 2023, whereafter the matter would be placed before the Court for case management hearing and further proceedings.

I.A. 13743/2023 (Order XXXIX Rules 1 and 2 of the CPC)

10. In view of the recital hereinabove, issue notice, returnable before the Court on 31 October 2023.



11. Notice is accepted on behalf of the defendant by Mr. Harsh Kaushik.

12. Reply be filed within a period of four weeks with advance copy to learned Counsel for the plaintiff, who may file rejoinder thereto, if any, within a period of four weeks thereof.

13. Without prejudice to the defendant's contention that he has not copied the 19 programs, enumerated in para 38 of the plaint, there shall be a restraint on the defendant from sharing, with anyone else, the said 19 programs, in the event that they are in his possession, till the next date of hearing.

I.A. 13744/2023 (Order XI Rule 1(4) of the CPC)

14. This application seeks permission to file additional documents. The plaintiff is permitted to place additional documents on record in accordance with Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act within four weeks from today.

15. The application stands disposed of accordingly.

I.A. 13745/2023 (Exemption)

16. Subject to the plaintiff filing legible copies of any dim or illegible documents within 30 days, exemption is granted for the present.

17. The application is disposed of.



I.A. 13746/2023 (Section 151 of the CPC)

18. By this application, the plaintiff seeks permission to place confidential documents in a sealed cover. It is permitted to do so. The Court would later take a call on whether the said documents should be shown to the defendant.

19. The application stands disposed of.

I.A. 13747/2023 (Section 12A of the Commercial Courts Act, 2015)

20. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd*¹, exemption is granted from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

21. The application stands allowed accordingly.

C.HARI SHANKAR, J

JULY 27, 2023

rb

¹ 2022 SCC OnLine Del 3529
CS(COMM) 502/2023