

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS. No- 75 of 2026
IA/GA No. 1 of 2026

ADANI ENTERPRISES LIMITED
VS
SABEER BHATIA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARYAK DUTT

Date : 26th October, 2026.

Appearance:

Mr. Anirban Ray, Sr. Adv.

Sanjay Basu, Adv

Amit Kumar Nag, Adv

Piyush Agarwal, Adv

Shivangi Thard, Adv

Ranjabati Ray, Adv

Shrivalli Kajaria, Adv

Debojyoti Das, Adv

..for the petitioner.

Ms. Pragya jain, Adv.(V.C)

For the defendant no.2

1. The Court: The petitioner has filed an affidavit-of-service in court. The same is kept on record.
2. The respondent no. 2 is represented virtually.
3. This is an application in a suit for damages for defamation and for permanent and mandatory injunction. The petitioner/plaintiff, Adani Enterprises Limited, is a company forming part of the Adani Group, with an office at 7/1, Lord Sinha Road, 6th floor, Midleton Row, Kolkata – 700071. The

respondent no.1 is stated to be the creator, owner and operator of the YouTube channel "Bcubed (Breaking Boundaries with Sabeer Bhatia)" and the X account "@sabeer". The respondent nos. 2, 3 and 4 own and operate the platforms YouTube, X and Instagram respectively. The respondent nos. 5 and 6 are unidentified persons said to be uploading, republishing and coordinating the circulation of the impugned content.

4. The impugned video was accessed and viewed by the officers of the petitioner at its office in Kolkata on 9th October, 2026. Prima facie, publication to third persons has taken place within the jurisdiction of this Court, and a part of the cause of action has arisen here. The Complaint has been filed after obtaining leave under Clause 12 of the Letters Patent, and under Order II Rule 2 of the Code of Civil Procedure, 1908.
5. The case made out in the petition, in brief, is this. On 9th October, 2026, a video titled "How Modi and Adani Stole India The Friendship Files", of about 36 minutes and 9 seconds (the "impugned video"), was uploaded on the channel of the respondent no.1, in collaboration with an entity called "Shadow Citizens", a YouTube channel. It was also posted on

the X account of the respondent no.1 at <https://x.com/sabeer/status/2108347745614569888>. By 9 October, 2026 itself, it had been viewed by 46,134 persons on YouTube and about 40,000 persons on X.

6. The petitioner states that access to the original upload on YouTube has since been disabled within India, apparently on a complaint of the Government under Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Despite this, the impugned video continues to be re-uploaded, reposted and circulated on other YouTube channels, X accounts and Instagram reels. These are listed in Schedule A to the petition, which contains 3 entries on YouTube, 30 on X and 6 on Instagram. The respondent no. 1 is also stated to have reposted the impugned video on X on 22nd October, 2026, after the original was disabled.

7. Learned counsel for the petitioner has taken me through the transcription and translation of the impugned video at paragraph 15 and 18 of the petition, and the imputations pleaded at paragraph 15 and 18. The title itself expressly imputes that the petitioner's group, in concert with the holder

of public office, "stole India", and the video contains various other allegations against the petitioner.

8. It is submitted that these statements are false, and that the respondent no. 1 has suppressed material facts, including payment of premium for several land projects. It is submitted that the petitioner has received enquiries from investors and others, including a communication dated 12th October, 2026. Learned counsel submits that the right to reputation is an integral part of Article 21 of the Constitution. Counsel submits that the petitioner does not seek to restrain constructive criticism of Government policy, of business concentration or of the petitioner's commercial activity as such. The reliefs are confined to the impugned video, its reproductions and the defamatory imputations contained in it. It is further submitted that the respondent nos. 2 to 4, as intermediaries, are bound to remove or disable access to unlawful content upon an order of a Court, in terms of Section 79(3)(b) of the Information Technology Act, 2000 and Rule 3(1)(d) of the said Rules.

9. I am conscious that a pre-trial injunction in an action for defamation, touching matters of public interest, must be granted with great caution. The Supreme Court in ***Bloomberg***

Television Production Services India Private Limited v. Zee Entertainment Enterprises Limited, reported in **2024 SCC OnLine SC 426**, has held that, apart from the three-fold test of prima facie case, balance of convenience and irreparable injury, the Court must bear in mind the public's right to know and the chilling effect of such orders. An injunction before trial is to be granted only in exceptional cases, where the content is prima facie malicious or palpably false, and the Court must record its reasons and not grant such relief mechanically.

10. The petitioner has taken this Court through pages 13 to 26 of the petition which is a transcription of the impugned video. The learned Senior counsel for the petition has also refer to Rules of the Information Technology (Intermediary Guidelines And Digital Media Ethics Code) Rules 2021 and has submitted that even the respondent no. 2, 3 and 4 are equally liable to take down such impugned video which causes defamation to any person.

11. Having considered the materials on record, I am of the prima facie view that the present case falls within that exceptional class, for the following reasons:

- (a) The impugned video is not a news report or an account of proceedings. It is a dramatized narrative, whose title expressly imputes theft, and whose narration and visuals are represented as factual.
- (b) The imputations that the petitioner's group is complicit in, or has been shielded from accountability for, narcotics smuggling linked to terror funding, and that it procured police violence and false prosecution against a farmer, are assertions of fact and not expressions of opinion. Nothing placed before me shows any finding by any authority to that effect.
- (c) The original upload has already been disabled within India upon a complaint of the Government under Rule 3(1)(d) of the said Rules.
- (d) The respondent no. 1 is stated to have reposted the impugned video after the original was disabled, which prima facie shows a want of good faith.
- (e) The video repeatedly names "Adani" and the "Adani Group", and refers to the businesses which the petitioner carries on. Prima facie, the imputations, though dramatized, are of and concerning the petitioner.

12. The balance of convenience is in favour of the petitioner.

The restraint is confined to one identified video, its clips and its materially identical reproductions, and to the defamatory imputations contained in it as pleaded in paragraph 17 of the petition. Constructive criticism or truthful reporting on the petitioner or on Government policy, backed by evidence, is not barred. Online content spreads quickly through reposts and re-uploads, and the injury to reputation from continued republication cannot be adequately compensated in money. If the order is not passed now, its purpose will be defeated by further dissemination before the respondents can be heard.

13. Several accounts listed in Schedule A belong to persons who are not parties to this suit, yet the content at those URLs is affected by this order. The directions below to the respondent nos. 2 to 4 relate to those specific URLs.

14. Accordingly, there shall be an order of *ad-interim* injunction till January 31, 2027 or until further orders, whichever is earlier, in the following terms:

- (a) The respondents, their agents, servants, collaborators and all persons acting under their authority or at their direction, are restrained from publishing, republishing,

uploading, sharing, communicating or otherwise disseminating the impugned video, or any clip, excerpt, shortened version or materially identical reproduction of it, through any medium or platform, and from making such defamatory statements as are mentioned in paragraph 15 to 18 of the petition or statements similar thereto.

- (b) The respondents shall forthwith remove or cause to be removed the impugned video, and any clip, excerpt or reproduction thereof containing any such defamatory statements, from every account, channel and page owned or controlled by them. This includes the posts at Serial Nos. 1 and 2 under uploads on "X" in Schedule A.
- (c) The respondent nos. 2, 3 and 4 shall remove or disable access to the impugned video at each URL listed in Schedule A to the petition. They shall also disable the engagements (reposts, quote posts, shares and the like) through which the impugned video is accessible at those URLs.
- (d) Serial Nos. [3, 6, 7, 8 and 12] under uploads on "X" in Schedule A are not URLs of specific posts. As to them, the petitioner shall furnish the URLs of the specific posts to the

respondents, whereupon sub-paragraph (c) shall apply to those URLs.

- (e) The respondent nos. 2, 3 and 4 shall preserve the subscriber information, registration details, IP logs at the time of upload and access logs relating to the accounts and URLs listed in Schedule A and those furnished under sub-paragraph (d). They shall disclose the basic subscriber information of the accounts whose holders are not identifiable from Schedule A, in a sealed cover, by an affidavit filed within two weeks of communication of this order.
- (f) The respondent nos. 2, 3 and 4 shall not run or serve advertisements on, or share revenue in respect of, the said URLs or the impugned video containing the said defamatory statements. They shall preserve the records of any advertisement revenue generated from them until further orders.

15. The respondent no.2 shall also inform the petitioner about the identity of the respondent no.5 for the petitioner to make the necessary amendments to the plaint and serve a copy of the petition and this order on the said respondent no.5.

16. It is made clear that this order does not restrain constructive criticism or fair reporting on the petitioner, the Adani Group or any Government policy, otherwise than by means of the impugned video, its reproductions or the defamatory statements referred to in paragraph 11(a). The observations in this order are *prima facie*.

17. The petitioner has served advance copy of this application thorough mail on the respondent. nos. 1 to 4. Service by e-mail is good service.

18. Service on the respondent nos. 5 and 6 is dispensed with for the present. Once their particulars are disclosed, the petitioner shall be at liberty to apply to implead them and to amend the cause title and the pleadings. Leave is also granted to the petitioner to bring on record, by a supplementary affidavit, any further upload, re-upload or repost of the impugned video, or of any clip or materially identical reproduction of it, and to apply for appropriate directions in respect thereof.

19. The respondent nos. 2, 3 and 4 shall each file an affidavit of compliance within two weeks of communication of this order. It shall list the URLs removed or disabled and the date and time of

compliance, and annex the sealed cover referred to in paragraph 11(e).

20. The respondents shall file their affidavits-in-opposition within four weeks from the date of service. The petitioner shall file its affidavit-in-reply within two weeks thereafter.

21. List this application for hearing in the Monthly list of January 2027, before the Regular Bench under the heading "Adjourned Motion". The interim order shall continue till January 31, 2027 or until further orders, whichever is earlier.

(ARYAK DUTT, J.)