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

+ **CS(COMM) 1028/2024**

ANI MEDIA PVT LTD

.....Plaintiff

Through: Mr. Sidhant Kumar, Mr. Akshit Mago, Ms. Manyaa Chandok, Mr. Om Batra, Ms. Anshika Saxena and Ms. Shagun Chopra, Advocates

versus

OPEN AI INC & ANR.

.....Defendants

Through: Mr. Amit Sibal, Senior Advocate with Mr. Sanjeev Kapoor, Mr. Nirupam Lodha, Mr. Madhav Khosla, Ms. Moha Paranjpe, Mr. Gautam Wadhwa, Ms. Vanshika Thapliyal, Ms. Malika Nandkeolyar, Mr. Ankit Handa, Mr. Darpan Sachdeva, Mr. Rajat Bector and Mr. Saksham Dhingra, Advocates for Open AI
Mr. Ankit Sahni, Ms. Kritika Sahni, Mr. Chirag Ahluwalia and Mr. Mohit Maru, Advocates for Federation of Indian Publishers/Intervenor
Mr. Saikrishna Rajagopala, Mr. Ameet Datta, Mr. Himanshu Bagaj, Mr. Kushal Gupta, Ms. Deepshikha Sarkar, Ms. Bhanu, Mr. Ayush Hoonka and Mr. Anant Roy, Advocates for applicants/Intervenors
Mr. Adarsh Ramanujan, Ms. Surabhi Mahajan, Mr. Parth Singh and Ms. Vrinda Pareek, Advocates for Amicus Curiae
Prof. Arul George Scaria, Amicus



Curiae through video conferencing

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER
28.01.2025

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I.A. 2277/2025 (under Section 151 CPC filed by plaintiff seeking condonation of delay in filing reply to I.A. 45300/2024)

1. This application has been filed by the plaintiff seeking condonation of 28 days' delay in filing the reply to the interim injunction application being I.A. 45300/2024.
2. Given the short period of delay and for the reasons stated in the application, the delay of 28 days in filing the reply is condoned.
3. Application stands disposed of accordingly.

I.A. 2278/2025 (filed by defendants under Section 151 CPC seeking exemption from filing Apostilled pleadings and affidavits in the suit)

4. This application has been filed on behalf of the defendants seeking exemption from filing apostilled versions of pleadings and supporting affidavits in the present suit.
5. For the reasons stated in the application, the same is allowed and the defendants are exempted at this stage. The defendants shall file apostilled pleadings and supporting affidavits within eight (8) weeks.
6. Application stands disposed of accordingly.

I.A. 470/2025 (Order I Rule 8A r/w Order I Rule 10(2) and Section 151 of the CPC filed on behalf of Federation of Indian Publishers)

7. The present application has been filed under Order I Rule 8A of the



Code of Civil Procedure, 1908 (hereinafter “CPC”) on behalf of Federation of Indian Publishers, seeking intervention in the present suit.

8. Notice in the present application was issued on 10th January, 2025.

9. Mr. Sidhant Kumar, counsel appearing on behalf of the plaintiff submits that he does not oppose the present application.

10. Reply has been filed on behalf of the defendant no.2 to the said application. One of the objections taken in the reply is that the intervenor has not filed any resolution authorising the applicant to intervene in the present suit.

11. Let an appropriate resolution be placed on record within two (2) weeks from today.

12. List on 21st February, 2025.

I.A. 2199/2025 (under Order I Rule 8A of the CPC)

13. The present application has been filed on behalf of Digital News Publishers Association and some copyright owners, who are members of the aforesaid association, seeking intervention in the present suit under Order 1 Rule 8A of the CPC.

14. Issue notice.

15. Notice accepted on behalf of counsel for the plaintiff and defendants.

16. Mr. Kumar submits that he does not oppose the present application.

17. Mr. Amit Sibal, Senior Advocate appearing on behalf of the defendants submits that he would like to file a reply.

17.1. Let a reply be filed within two (2) weeks.

18. List on 21st February, 2025.



I.A. 45301/2024 (under Order XI Rule 1(6), 3 & 5 of the CPC for discovery and production)

19. Reply to this application be filed within two (2) weeks from today.
20. List on 21st February, 2025.

CS(COMM) 1028/2024 and I.A. 45300/2024 (under Order XXXIX Rule 1 & 2 of the CPC)

21. In view of the delay in filing reply to I.A. 45300/2024 having been condoned, the Registry shall take the reply filed on behalf of the defendants on record.
22. Counsel for the plaintiff seeks and is granted two (2) weeks' time to file rejoinder.
23. The *Amici Curiae* appointed by this Court are broadly in agreement that the issues framed by this Court on 19th November, 2024 summarise the controversy arising in the present matter.
24. Both *Amici Curiae* have sent their written submissions through e-mail to the Court Master.
 - 24.1. Let the same be taken on record. Copies of the same have already been provided to the counsel for the plaintiff and the defendants. Let the copies of the same be also provided to counsel for the intervenors.
25. The plaintiff as well as the defendants are given liberty to respond to the aforesaid written submissions within two (2) weeks.
26. Mr. Sibal raises an objection with regard to the territorial jurisdiction of this Court to entertain the present suit. The aspect of territorial jurisdiction will be considered by the Court while hearing the application for interim injunction.
27. List on 21st February, 2025, 10th March, 2025 and 18th March, 2025 at



2:30 pm.

28. The Court shall proceed to hear the submissions of the *Amici Curiae* and thereafter hear the submissions of the plaintiff, defendants and the intervenors.

29. It is made clear that in the event the Court allows the intervention applications, the scope of the suit shall not be enlarged and the intervenors shall be permitted to make their submissions confined to the legal issues arising in the present suit.

AMIT BANSAL, J

JANUARY 28, 2025

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