

SUDHIR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION (L) NO. 2315 OF 2016  
IN  
SUIT (L) NO. 751 OF 2016  
WITH  
NOTICE OF MOTION (L) NO. 2147 OF 2016**

Eros International Media Ltd. & Another ...Plaintiffs  
*Versus*  
Bharat Sanchar Nigam Ltd., and 49 Others ...Defendants

**Mr. V. Dhond, Senior Advocate, with Mr. N. Rodrigues i/b R.M.  
Partners, for the Plaintiffs.**  
**Mr. Udit Mendiratta i/b Trilegal, for the Defendants.**

**CORAM: G.S. PATEL, J**  
**DATED: 26th August 2016**

**PC:-**

1. At the request of the learned Advocate for the Tata Telecommunications Limited (“Tata”), list the matter at 3.00 p.m. on Wednesday, 31st August 2016.

2. I am making it completely clear that I will not countenance any argument from Tata about technical issues that limit what Tata can or cannot do. We are concerned here with orders of the

authority or a Court that quite conceivably affect constitutional guarantees, if wrongly invoked. This means that appropriate safeguards must be provided. The Plaintiffs and their counsel have been cooperative throughout. It very greatly surprises me to know that it is Tata, which I understand is a major provider of the internet backbone which alone has these “technical issues”. The present proposal does away with the need for an Nodal Officer and email communications. On the last occasion Tata, having previously suggested this, made a grievance about this too saying to me that the Nodal Officer was being flooded with irrelevant materials and seeking some order from the Court to deal with this. An even better solution, I imagine, is to eliminate the Nodal Officer altogether. There should be no difficulty in running up an error page which has details of multiple blocks. Any person who arrives at that page while attempting to access a link to an infringing download is bound to know which film's download he was attempting to reach. The error page can contain an indefinite amount of text. The visitor needs only to find the text relevant to the film whose download he was trying to access and that information will be complete in itself.

3. I am told that there is a technical limit of 32 KB on such pages. This is wholly inaccurate, particularly if the text is being pulled from My SQL data base. The source of the existing web error page today is likely to be a text file of more than 50 kb. In any case, I do not expect the overall file size to be very large at any given time. These blocks do not continue forever but only for a few months. It is only the current pending blocks' information that needs to be displayed.

4. List the matter on Wednesday, 31st August 2016 at 3.00 p.m.  
I expect that the Technical Officer of Tata Telecommunication Limited to be present in Court on that day.

**(G. S. PATEL, J.)**

Bombay High Court