$~55 and 67

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

+ LPA 373/2024 & CM APPL. 27538-27542/2024

GOOGLE LLC   ..... Appellant
                    Through: Mr. Arvind K. Nigam, Senior
                                Advocate with Ms. Mamta R. Jha,
                                Mr. Rohan Ahuja, Ms. Shruttima
                                Ehersa and Mr. Rahul Choudhary,
                                Advocates
                    versus

MRS X & ORS.   ..... Respondent
                    Through: Mr. Sanjeev Mahajan and Mr. Sachin
                                Tandon, Advocate for R-1
                                Mr. Anurag Ahluwalia, CGSC with
                                Mr. Shivam Sachdeva, Advocate for
                                R-2/UOI
                                Ms. Nandita Rao, ASC (Crl.),
                                GNCTD for R-3 and 8

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+ LPA 371/2024 & CM APPL. 27376-27379/2024

MICROSOFT CORPORATION   ..... Appellant
                    Through: Mr. Jayant Mehta, Senior Advocate
                                with Ms. Anushka Sharda, Mr.
                                Madhav Khosla, Ms. Moha Paranjpe
                                and Mr. Rajat Sinha, Advocates
                    versus

UNION OF INDIA & ORS.   ..... Respondent
                    Through: Mr. Anurag Ahluwalia, CGSC,
                                UOI/R-1 with Mr. Abhay Singh,
                                Advocate
                                Mr. Sanjeev Mahajan and Mr. Sachin
                                Tandon, Advocates for R-2
                                Ms. Nandita Rao, ASC (Crl.),
                                GNCTD/R-3 and 9

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R
%   **09.05.2024**

CM APPL. 27541/2024 in L.P.A. 373/202 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM APPLs. 27542/2024 (for condonation of delay) in LPA 373/2024
CM APPL. 27376/2024 (for condonation of delay) in LPA 371/2024

1.   Keeping in view the averments in the applications, the delay in filing the appeals are condoned.

2.   Accordingly, the applications stand disposed of.

LPA 373/2024 & CM APPLs. 27538/2024, 27539/2024, 27540/2024, 27542/2024
LPA 371/2024 & CM APPLs. 27377-27379/2024

3.   Learned senior counsel for the Appellants have handed over amended memo of parties, which are taken on record.

4.   It is pertinent to mention that present appeals have been filed challenging the order dated 26th April, 2023 passed by the learned Single Judge in W.P. (Crl) No. 1505/2021 directing search engines to automatically identify and de-index duplicate instances of reported non-consensual intimate imagery ('NCII').

5.   Both the learned senior counsel for the Appellants state that the present petition originated from the distressing circumstances faced by Mrs. X, who was subjected to non-consensual sexual acts, abuse, and blackmail by an individual. He states that despite subsequent police action leading to

the concerned individual's arrest, the scope of the Writ Petition was expanded to address broader issues relating to the handling of NCII by search engines.

6.   They state that the learned Single Judge has issued directions and recommendations requiring search engines to adopt measures beyond their current capabilities which includes mandating the use of hash-matching technology, adherence to strict timeframes for content removal and the development of a third-party platform for registering and removing NCII. They state that the impugned judgment's directives exceed the bounds of existing law and technology as the search engines operated by the Appellants, lack the capability to automatically detect and remove NCII without the names of the specific URLs being provided. They emphasize that though technology is in the process of being developed, yet it is not perfect as of today.

7.   Keeping in view the aforesaid submissions, this Court is of the view that it would be appropriate for the Appellants to file review petitions and bring the aforesaid facts to the notice of the learned Single Judge. In the event, review petitions are filed within two weeks, the same shall not be dismissed on the grounds of delay and laches.

8.   Further in case the Appellants are aggrieved by the order passed by the learned Single Judge in the review petitions, the Appellants shall be at liberty to seek revival of the present appeals.

9.   This Court clarifies that the present order is without prejudice to the rights and contentions of any of the parties.

10.   Accordingly, present appeals and applications stand disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 9, 2024/msh