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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ADDICTIVE LEARNING TECHNOLOGY LIMITED & ANR V. ADITYA GARG & ORS (DELHI HIGH COURT), 2025 SCC ONLINE DEL 1124

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Abstract

*In the age of social media, everyone is free to express their opinions, criticise someone or something, or engage in debates on the internet. However, such opinion or comment can also be perceived by a person as a damage to the reputation, which gives rise to a case of defamation. This case **Addictive Learning Technology Limited & Anr v. Aditya Garg & Ors** deals with cyber defamation where the Hon'ble Delhi High Court considered the casual nature of conversation on social media platforms and held a person cannot be penalised for holding an opinion. It also observed that when plaintiff himself posts tweets which are provocative then responses as a direct result of such provocation cannot be held as defamatory.*

Facts of the case

The dispute in this case arose out of a tweet made by Lawsikho founder and CEO Ramanuj Mukharji (plaintiff) on X (formerly Twitter) which questioned the credibility, competence and ability to work of students just after graduating from NLUs and suggested that firms are hiring people with experience. (identified as 'lead tweet'- meaning tweet which provoked responses). The provocative post got responsive tweets particularly from students affiliated with NLUs. This resulted in two separate conversation threads claimed by plaintiff as defamatory.¹

In conversation thread 1 Defendant 1 (Aditya Garg) quote tweeted (retweet with comment) on his personal handle on X which said:

“While I don't entirely agree with the assumption that NLU folks are more focused on their education, I do agree with that this man wants to encourage law schools to become trade schools rather than places to critically think. Better yet, he wants to teach this "trade" for profit”.

¹ Addictive Learning Technology Limited & Anr v. Aditya Garg & Ors, 2025 2025:DHC:1178

The plaintiff quote tweeted defendant 1's (Aditya Garg) reply, which reads as follows:

"I will teach my trade for profit irrespective of what NLUs do - been at it, and we are #1 at it in the world. NLUs being terrible at teaching trade is not bad for my business. However, one small correction, NLUs don't teach you to think critically, mostly just brainwash people into leftist cults. If you could think critically, you will realise there is something wrong with charging 20 lakhs for 5 years of thinking training after which you remain unemployable and hope some law firm will now pay to train you on the job. You are perhaps a wannabe professor who look forward to participate in that scam".

Defendant 1 again quote tweeted this later tweet on his personal handle:

"NLUs may not be great institutions of learning, but at least they're not selling pipe dreams to make profit off of legitimate insecurities.

Also, I'd imagine those horrible reviews you often bury are bad for your trade but you're great at bullying everyone who raises them :)"

To this thread, the defendant No. 4 replied in the same conversation thread as follows:

"such an insecure little prick cries defamation over a fucking tweet what kind of a loser does that even"

The conversation thread 2 was started by defendant No. 2 separately which was as follows:

"When it started out, Lawsikho used NUJS as launchpad to gain popularity, access to Indian law students. Of course, founders can today claim that NLUs make no difference to their business, now they are pretty successful at bribing gullible law students with false hopes and dreams"

On the same thread while replying to a comment from another user defendant 2 posted:

"courses don't work" - work to achieve what exactly?"

Also, another anonymous user wrote in the reply to the conversation as:

"Tainted right from the top by a certain shade that shall not be named."

The plaintiffs identified these 6 tweets as defamatory, three in Conversation Thread No. 1 initiated by defendant no. 1 and three in Conversation Thread No. 2 initiated by defendant no.2. These tweets, according to the plaintiffs, contained false insinuations that their legal education platform 'Lawsikho' deceives students and profits from their insecurities. The plaintiffs contended that such allegations, when made on a public platform, not only tarnish their

reputation but also erode trust among potential clients and investors.²

The plaintiffs claimed injunction against defendants from posting anything further.

Issues Raised

Whether the said tweets by defendants amount to defamation?

Court's Decision

The Delhi High Court held that the tweets by defendants do not tantamount to defamation as they are direct result of deliberate taunting and provocation by plaintiff.³

The court also held, notwithstanding the rejection of the plaint, the plaintiffs have remedy under the IT Rules 2021 to seek removal of any Impugned Tweet which they perceive as an abuse or an insult and the said remedy is available to them even now.⁴

Rationale

The Court relied upon following principles in order to arrive at its conclusion:

- (i) The Court relied upon an article 'Online Trolling: A New Typology' (Sage Publications, 2023), which recognizes the modus where a user intentionally publishes post/tweet on its social media handle to provoke emotional responses intended to increase user's followers in social media presence.⁵
- (ii) The Court noticed the decision in **Nidhi Bhatnagar (Dr.)**⁶ wherein the said Court observed that it was not sufficient for a plaintiff to sue for words which merely injure his feeling or annoys him. As per the ratio of the said judgment, to maintain an action For defamation and to claim damages, the defendant's utterance would have to be proven to be so offensive so as to lower the plaintiff's dignity in the eyes of other right-thinking people of society⁷.
- (iii) The Court noted that utterances in the nature of tweets in a conversational thread on platform X are not to be assessed in isolation for the purposes of determining the defamation claim.⁸

² *Ibid*

³ *Ibid*

⁴ *Ibid*

⁵ *Ibid*

⁶ Dr. Nidhi Bhatnagar And Anr. v. Citi Bank N.A. And Ors. 147 (2008) DLT349

⁷ Addictive Learning Technology Limited & Anr v. Aditya Garg & Ors, 2025 2025:DHC:1178

⁸ *Ibid*

- (iv) The Court noted that it is not sufficient to only consider the impugned tweets/utterances but also to see the responses/reactions of the plaintiff to extract the context in which the conversation has happened on social media platform. A one-sided view by plucking out on isolated tweet/utterance cannot provide a sufficient cause of action to a plaintiff⁹.
- (v) The Court has also considered that the casual nature of the medium invites anonymous posts which may ex-facie be disparaging but cannot amount to defamation as it may not have a serious effect to form an impression about the character of the plaintiff.¹⁰
- (vi) The Court observed Supreme Court in ***Kaushal Kishore v. State of U.P.***¹¹ that a person cannot be penalized for holding an opinion and a cause of action for the aggrieved would only arise if such opinion is translated into action i.e. results in injury or harm or loss to the aggrieved. Ergo, substantial injury has to be established by the aggrieved party.¹²
- (vii) The Court noted that as per ***M.J. Zakharia Sait v. T.M. Mohammed***¹³ mere allegation by the plaintiff that the statement of the defendant amounts to an innuendo is not sufficient and the plaintiff has to specifically plead in the plaint and prove the facts and circumstances which imbue the words with a special meaning¹⁴.
- (viii) The Court observed that a plaintiff alleging defamation on social media platform arising out of a conversation thread must mandatorily disclose the full conversation thread, particularly his own tweets/comments as well and should approach the Court with clean hands.¹⁵

Analysis

The Delhi High Court rightly observed that the casual nature of social media platforms invites comments that are sometimes offensive or can hurt someone's feelings however it cannot be held as defamation because it might not have effect on forming an impression about the character of the person. the Delhi High Court also acknowledged the trend of posting provocative statements and engaging in comments which will generate emotional responses to increase user engagement on such platforms and gain followers. Therefore, in such cases to assess defamation the full conversation must be read and not only the alleged defamatory

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ *Kaushal Kishor v. State Of Uttar Pradesh & Ors.*, Writ Petition (Criminal) No. 113 Of 2016

¹² *Addictive Learning Technology Limited & Anr v. Aditya Garg & Ors*, 2025 2025:DHC:1178

¹³ *M.J. Zakharia Sait v. T.M. Mohammed And Ors*, 1990 SCC (3) 396

¹⁴ *Addictive Learning Technology Limited & Anr v. Aditya Garg & Ors*, 2025 2025:DHC:1178

¹⁵ *Ibid*

comments in isolation because it might be the plaintiff who invited such comments by posting provocative posts as was in this case where the plaintiff by questioning the credibility and ability of NLU graduates to work provoked responses, particularly from students of NLU. Also, to be held as defamation the comments or post must be translated into an action i.e. damage to the reputation, and not merely harm the plaintiff's feelings.

The plaintiff in such cases also has remedy under the Information technology rules, 2021 where he can ask the intermediary's grievance redressal to remove comments which he thinks are abusive or insulting.

On social media platforms trolling is very common and also seen as light fun, people express their opinions on something however to be held as defamatory it must be so vulgar or abusive as to damage the plaintiff's reputation. Although merely expressing an opinion is not defamation the right of freedom of speech and expression under Art 19 must be exercised rightly and must not cause harm to someone's reputation as the Supreme Court has held in the **Subramanian swami case**¹⁶ that section 499¹⁷ of IPC (offence of defamation) is a reasonable restriction on right to freedom of speech and expression guaranteed under Art 19 of the constitution.

Conclusion

Therefore, to amount cyber defamation the comments must harm reputation of plaintiff and not only harm his feelings. Also, the plaintiff claiming cyber defamation must disclose full conversation including his own posts or comments. The plaintiffs claiming a specific meaning of the comment harming his reputation must prove such meaning. Posts by the plaintiff intended to generate emotional responses will be considered while assessing the claim of defamation.

¹⁶ Subramanian Swamy v. Union of India, AIR 2016 SC 2728

¹⁷ Indian Penal Code, 1860, s 499, Act no. 45 of Year 1860