



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION (L) NO.32968 OF 2024

BASAVRAJ
GURAPPA
PATIL

V. Ravi Prakash,
President, RTV

..... Petitioner

Vs.

Mumbai Metropolitan Region
Development Authority & Ors.

..... Respondents

**WITH
INTERIM APPLICATION (L) NO.5415 OF 2025
IN
PUBLIC INTEREST LITIGATION (L) NO.32968 OF 2024**

Megha Engineering & Infrastructure Ltd. Applicant

In the matter between:

V. Ravi Prakash,
President, RTV

..... Petitioner

Vs.

Mumbai Metropolitan Region
Development Authority & Ors.

..... Respondents

Mr.Prashant Bhushan, Senior Advocate (through VC)
a/w. Ms. Neha Rathi, Kajal Giri and Mr. Arjun Kadam for
the petitioner

Mr. Tushar Mehta, Solicitor General (through VC) a/w.
Dr. Birendra Saraf, Advocate General, Mr. Siddharth
Dharmadhikari, Mr. Jay Sanklecha, Mr. Abhishek Karnik,
Mr. Aditya Krishna and Ms. Payal Vardhan for respondent
No.1.

Dr. Birendra Saraf, Advocate General with Smt. Pooja
Patil, AGP for respondent No.2 – State

Mr.Mukul Rohatgi, Senior Advocate (through VC) a/w.

Mr. Darius Khambata, Senior Advocate, Mr. Vivek Reddy, Senior Advocate a/w. Mr. Shrinivas Bobde, Mr. Rohan Dakshini, Mr. Vishesh Malviya, Ms. Nikita Mishra, Ms. Janaki Garde, Mr. Tejas Popat, Ms. Rakshita Singh, Mr. Raghav Dharmadhikari, Mr. Himanshu Saraswat, Mr. K.Pratik Reddy i/b. Rashmikant & Partners for respondent No.3 and for applicant in IAL/5415/2025.

Mr. Amit Ambu Satyarthi and Mr. Varun Chugh i/b. Alph Legal Consultants for respondent No.3

Mr. Mayur Khandeparkar a/w. Mr. Pravin H. Padave, Mr. Bijish Balan i/b. ASR and Associates for respondent No.4

Mr. Ram Apte, Senior Advocate a/w. Mr. Sagar Patil, Ms. Suruchi Rokade i/b. Mr. Mayuresh Legal for respondent No.8

CORAM: ALOK ARADHE, CJ. & BHARATI DANGRE, J.

RESERVED ON : MARCH 5, 2025
PRONOUNCED ON : MARCH 18, 2025

JUDGMENT (PER : CHIEF JUSTICE)

1. In this Public Interest Litigation (**PIL**), the petitioner, *inter alia*; is seeking an investigation by CBI or an SIT into the alleged fraud bank guarantees furnished by respondent No.3 – Megha Engineering Infrastructure Ltd. (**MEIL**) which has been accepted by respondent No.1 i.e. Mumbai Metropolitan Region Development Authority (**MMRDA**). The challenge to the bank guarantees is made on the ground that the same have been issued by the Euro Exim Bank, which is neither a scheduled bank nor a commercial bank, approved by the Reserve Bank of India. The petitioner also seeks a direction to the MMRDA to cancel the contract awarded to MEIL. The facts leading to filing of this PIL need mention, which are stated infra.

(I) FACTS:

2. A Request for Proposal (**RFP**) was issued on 12th May 2023 for construction of a twin tube road tunnel between Thane and Borivali in Mumbai. The MEIL, in the aforesaid RFP, was declared the preferred bidder and on 8th May 2023, a Letter of Acceptance (**LoA**) was issued to it. The MEIL furnished performance bank guarantee for a sum of Rs.92.67 crores and Rs.88.18 crores, issued by Canara Bank for the project in question. The MEIL has also furnished the performance bank guarantees issued by Euro Exim Bank.

3. The petitioner claims himself to be an investigative journalist. He learnt that the aforesaid bank guarantees are fraudulent, as the Euro Exim Bank is neither a scheduled bank nor a commercial bank, approved by the Reserve Bank of India. On 20th February 2025, the PIL petition was listed for orders on admission, however, a preliminary objection was filed with regard to the maintainability of the petition and the learned Counsel for the petitioner was granted time to file reply to the same, which was filed.

4. A three Judge Bench of Supreme Court in ***State of Jharkhand Vs. Shivshankar Sharma***¹, in paragraph 19 held as under:

"PARA 19.... What is of crucial significance in a Public Interest Litigation is the bona fide of the petitioner who files the PIL. It is an extremely relevant consideration and must be examined by the Court at the very threshold itself and this has to be done irrespective of the seemingly high public cause being espoused by the petitioner in a PIL."

¹ **2022 SCC OnLine SC 1541**

5. In view of aforesaid enunciation of law, we have heard learned Counsel for the parties on the preliminary objection raised on behalf of the respondents with regard to *bona fides*, *locus* and maintainability of this PIL and propose to deal with the same before adverting to merits of the matter.

(II) SUBMISSIONS ON PRELIMINARY OBJECTION BY RESPONDENTS:

6. Learned Senior Counsel for MEIL submits that subsequent to mentioning of the petition, the petitioner has posted tweets on 12th February 2025 by making egregious allegations against the Government authorities as well as this Court and has deliberately scandalised the Court. It is urged that the petitioner has committed criminal contempt. It is submitted that the petitioner has deliberately suppressed material facts regarding prior shareholder disputes, civil and criminal disputes with MEIL, which clearly shows that this petition is motivated and not *bona fide*. In this connection, our attention has been invited to the averments made in paragraphs 9, 10 and 11 of the interim application seeking dismissal of the PIL. It is contended that the petitioner has no *locus* to challenge the Government tender and public works contract which has been issued and framed in public interest.

7. It is also pointed out that the petitioner is in willful breach of Rule 5 and 7 of the Bombay High Court Public Interest Litigation Rules, 2010 (**Rules 2010**) and has filed this frivolous and *mala fide* litigation. It is also urged that the petitioner has made the following breaches/violations of the Rules 2010 :-

"(a) Non-disclosure of the details of the litigation between the Petitioner and this Respondent which have a legal nexus with the Petition.

(b) Failure to annex an affidavit stating that he has no personal gain, private motive or oblique reason in filing the Petition.

(c) Failure to file an undertaking to pay costs.

(d) Failure to file an undertaking that he will disclose his source of information, if and when called upon by this Hon'ble Court."

Therefore, petitioner is not entitled to any relief.

8. It is contended that continuation of the project is in larger public interest and the PIL is liable to be dismissed *in-limine* with exemplary costs. It is urged that FIR be directed to be registered against the petitioner to investigate the petitioner's source of access to documents being Exhibits H, I, J1, J2, K and Q annexed to the PIL. It is also submitted that this Court should take cognizance and initiate criminal proceedings against the petitioner.

9. Learned Solicitor General submitted that *bona fide* of the petitioner is relevant factor while considering the grant of a prerogative writ in PIL. It is further submitted that the petitioner is not entitled to any indulgence as the petitioner has not approached this Court with clean hands. It is also submitted that scandalizing the Court is serious misdemeanour and must result in serious consequences. It is submitted that the petitioner, by his tweets, scandalised the Court which is contemptuous and must result in dismissal of the petition. In support of his submissions

reliance has been placed on the decisions of Supreme court in ***Arundhati Roy, In Re*², *D.C. Saxena (Dr) v. Hon'ble The Chief Justice of India*³, *E.M. Sankaran Namboodripad Vs. t. Narayanan Nambiar*⁴, *Leila David (6) Vs. State of Maharashtra*⁵, *Ram Niranjan Roy Vs. State of Bihar*⁶.**

10. Learned Advocate General for respondent No.2 – State submitted that the tweets of the petitioner are instruments of scandalization of this Court and amount to criminal contempt. The tweets of the petitioner tantamount to interference with the administration of justice and therefore, criminal contempt should be initiated against the petitioner. In support of his submissions reliance has been placed on decisions of Supreme Court in ***Hira Lal Dixit Vs. State of Uttar Pradesh*⁷ and *In RE : P.C. Sen*⁸.**

(III) REPLY BY THE PETITIONER:

11. Learned senior counsel for the petitioner, at the outset, submitted that the tweets of the petitioner are inappropriate and when the Counsel got to know about the tweets, petitioner was advised to take-down the tweets which were taken down from social media platform in five days. It is further submitted that the slap suits have been filed against the petitioner who had exposed large scale corruption. It is pointed out that the litigation pointed

² (2002) 3 SCC 343

³ (1996) 5 SCC 216

⁴ (1970) 2 SCC 325

⁵ (2009) 10 SCC 337

⁶ (2014) 12 SCC 11

⁷ (1954) 2 SCC 325

⁸ 1968 SCC OnLine SC 141

out in the reply of MEIL have no legal nexus with the subject matter of this writ petition and therefore, it was not obligatory on the petitioner to disclose the same. It is further submitted that in paragraph 25, the details of the suit which is a relevant for determination of controversy involved in the petition, have been disclosed by the petitioner.

12. It is also urged that in case, this Court comes to a conclusion that the petitioner is an inappropriate person to take forward the proceeding of this PIL, this Court must appoint *an Amicus* to forward this PIL, as it raises a genuine issue. It is submitted that the petitioner has complied with the mandate contained in Rule 5 and 7 of the Rules 2010 framed by this Court.

(IV) REJOINDER REPLY:

13. By way of rejoinder reply, learned Counsel for MEIL submitted that in the reply filed to the preliminary objection, it has not been stated that the petitioner had removed tweets from social media platform. It is contended that the defence of removal of tweets is an after-thought. Learned Solicitor General has pointed out that the tender was issued in which MEIL has been emerged as a highest bidder. It is contended that the MEIL has furnished performance bank guarantees which were issued by Canara Bank i.e. the scheduled bank and the bank guarantees furnished by the Euro Exim Bank have been authenticated by the Bank of Maharashtra and the Bank of India. It is submitted that filing of the instant writ petition, in the facts and circumstances of the case, amounts to gross abuse of process of law.

(V) DEVELOPMENT OF PIL:

14. A two Judge Bench of Supreme Court in a PIL in ***State of Uttaranchal Vs. Balwant Singh Chaufal***⁹ dealt with a challenge to appointment of an Advocate General. The origin and development of PIL has been traced by the Supreme Court in the said case and the same was divided into three phases. Phase-I deals with the cases where the directions and orders are passed primarily to protect fundamental rights of marginalized groups and sections of the society. Phase-II deals with cases pertaining to protection and preservation of ecology, environment, forests, wildlife and mountains. Phase-III deals with directions by the Courts in maintaining the probity, transparency and integrity in the governance. In the instant case we are concerned with the Phase-III. The Supreme Court in ***Balwant Singh Chaufal (supra)*** noted its decisions in ***Vineet Narain & Ors. Vs. Union of India & Anr.***¹⁰, ***Rajiv Ranjan Singh 'Lalan' (III) & Anr. Vs. Union of India & Ors.***¹¹, ***M.C.Mehta (Taj Corridor Scam) Vs. Union of India & Ors.***¹² and ***Centre for Public Interest Litigation Vs. Union of India & Anr.***¹³ and it was held that the aforesaid cases were entertained to ensure that in governance of State there is a transparency and no extraneous considerations are taken into account except public interest. The said decisions of Supreme Court dealt with probity in governance or corruption in public life.

⁹ **2010(3) SCC 402**

¹⁰ **(1998)1 SCC 226**

¹¹ **(2006) 6 SCC 613**

¹² **(2007) 1 SCC 110**

¹³ **(2003) 7 SCC 532**

15. In ***Balco Employees' Union (Regd) Vs. Union of India & Ors.***¹⁴, the Supreme Court noticed that in recent times there are increasing instances of abuse of PIL and therefore, the Court devised strategies to ensure that the PIL is not utilized for suspicious products of mischief viz., (i) limited standing to persons acting *bona fide* (ii) imposition of exemplary costs and (iii) High Courts are asked to be more selective in entertaining PILs. In ***Dattaraj Nathuji Thaware Vs. State of Maharashtra & Ors.***¹⁵ it was held that PIL is a weapon which is to be used with great care and circumspection and the Court must not allow its process to be abused for oblique considerations. It was further held that PIL, which is now an important field of administrative law, should not be 'publicity interest litigation', 'private interest litigation', 'politics interest litigation' or 'paise income litigation'. It was also held that there has to be real and genuine public interest and not merely an adventure of knight errant borne out of wishful thinking. Similar view was taken in ***Holicow Pictures (P) Ltd. v. Prem Chandra Mishra***¹⁶ and it was held that the Court has to be satisfied with the credentials of the applicant and it should avoid mischievous petitions which are filed with oblique motive. It was further held that Court has to act ruthlessly while dealing with imposter, busy bodies and meddlesome interlopers impersonating as public spirited holy-men. In ***Tehseen Poonawala Vs. Union of India and Anr.***¹⁷, in paragraph 98 it has been held as under:

"98. *The misuse of public interest litigation is a serious matter of concern for the judicial process. Both this Court and*

¹⁴ (2002) 2 SCC 333

¹⁵ (2005) 1 SCC 590

¹⁶ (2007) 14 SCC 281

¹⁷ (2018) 6 SCC 72

the High Courts are flooded with litigations and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This Court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law. This will happen when the agency of the court is utilised to settle extra-judicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space."

16. The Supreme Court in ***Balwant Singh Chaufal (supra)*** thought it imperative to streamline the PIL and with a view to preserve the purity and sanctity of the PIL, issued following directions in paragraph 181 of the judgment:

"181. *We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:*

(1) *The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.*

(2) *Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.*

(3) *The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.*

(4) *The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.*

(5) *The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.*

(6) *The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.*

(7) *The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.*

(8) *The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations."*

17. The parameters for exercise of jurisdiction by superior courts in PIL succinctly laid down in ***Balwant Singh Chaufal (supra)*** were reiterated in ***P.R.Narahari Rao Vs. State of***

Kerala & Ors.¹⁸, Ayaaubkhan Noorkhan Pathan v. State of Maharashtra¹⁹, Anirudh Kumar Vs. Municipal Corporation of Delhi & Ors.²⁰, Esteem Properties Pvt. Ltd. Vs. Chetan Kamble & Ors.²¹ and Anil Agarwal Foundation Vs. State of Orissa & Ors.²²

(VI) BOMBAY HIGH COURT PUBLIC INTEREST LITIGATION RULES, 2010

18. In view of directions issued in **Balwant Singh Chaufal (supra)** to frame the rules for encouraging the genuine PIL and to discourage PIL filed with oblique motive, the Bombay High Court has framed the rules viz. Bombay High Court Public Interest Litigation Rules 2010. Rules 5 and 7 of the aforesaid Rules which are relevant for the purposes of present controversy, are extracted below for the facility of reference:

"Rule -5

In the petition to be filed under Clause (e) of Rule 4, the petitioner shall disclose.-

(a) *petitioner's name, complete postal and E-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identity Card, if any and registration under the Act.*

(b) *the facts constituting the cause of action.*

(c) *the nature of injury caused or likely to be caused to the public.*

¹⁸ **(2012) 12 SCC 451**

¹⁹ **(2013) 4 SCC 465**

²⁰ **(2015) 7 SCC 779**

²¹ **2022 SCC OnLine SC 246**

²² **2023 SCC OnLine SC 407**

(d) *the nature and extent of the personal interest, if any, of the petitioner(s).*

(e) *details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.*

(f) *petitioner's locus standi, except in a petition filed in public law interest.*

Rule-7

The Petitioner(s) while filing a Public Interest Litigation Petition under Clause (e) of Rule 4 shall.-

(a) *annex to the petition an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation and*

(b) *file an affidavit undertaking to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.*

(c) *file an undertaking that he/it will disclose the source of his/its information, leading to the filing of the Public Interest Litigation, if and when called upon by the Court, to do so.*

(d) *annex to the petition, a copy of the registration certificate and an authorization resolution to file a PIL Petition when the petition is filed by an Association or a like body."*

(VII) REQUIREMENT TO APPROACH THE COURT WITH CLEAN HANDS:

19. It is equally well settled proposition that a person who comes to the Court seeking a relief in PIL must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. **[See: RAMJAS**

FOUNDATION VS. UNION OF INDIA²³ and K.R. SHRINIVAS Vs. R.M.PREMCHAND & Ors.²⁴]. In **KISHORE SAMRITE VS. STATE OF U.P. AND ORS.²⁵**, the Supreme Court again reiterated the need that litigant must state correct facts and must come with clean hands. It was further held that the litigant must approach the Court not only with clean hands but with a clean mind, clean heart and clean objective and suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. The Supreme Court has recapitulated the principles governing the obligation of the litigant while approaching the Court for redressal of any grievance and consequences of abuse of process of Court which are extracted below:

"(i) Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts and came to the courts with "unclean hands". Courts have held that such litigants are neither entitled to be heard on the merits of the case nor are entitled to any relief.

(ii) The people, who approach the court for relief on an ex parte statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigant has broken such faith, the discretion of the court cannot be exercised in favour of such a litigant.

(iii) The obligation to approach the court with clean hands is an absolute obligation and has repeatedly been reiterated by this Court.

(iv) Quests for personal gains have become so intense that those involved in litigation do not hesitate to take shelter of falsehood and misrepresent and suppress facts in the court proceedings. Materialism, opportunism and malicious intent

²³ **AIR 1993 SC 852**

²⁴ **(1994) 6 SCC 620**

²⁵ **(2013) 2 SCC 398**

have overshadowed the old ethos of litigative values for small gains.

(v) *A litigant who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.*

(vi) *The court must ensure that its process is not abused and in order to prevent abuse of process of court, it would be justified even in insisting on furnishing of security and in cases of serious abuse, the court would be duty-bound to impose heavy costs.*

(vii) *Wherever a public interest is invoked, the court must examine the petition carefully to ensure that there is genuine public interest involved. The stream of justice should not be allowed to be polluted by unscrupulous litigants.*

(viii) *The court, especially the Supreme Court, has to maintain the strictest vigilance over the abuse of process of court and ordinarily meddlesome bystanders should not be granted "visa". Many societal pollutants create new problems of unredressed grievances and the court should endure to take cases where the justice of the lis well justifies it.*

(Refer : Dalip Singh v. State of U.P. [(2010) 2 SCC 114 : Amar Singh v. Union of India & Ors. (2011) 7 SCC 69 and State of Uttaranchal v. Balwant Singh Chaufal (2010) 3 SCC 402)"

20. In a recent decision viz. in ***Kusha Duruka Vs. State of Odisha***²⁶ it was held that it is now well settled that a litigant who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. It was further held that suppression of material facts from the Court of law is actually playing fraud with the Court. In ***Bhaskar Laxman Jadhav v. Karamveer Kakasaheb Wagh Education Society***²⁷ it was held that it is not for the litigant to

²⁶ (2024) 4 SCC 432

²⁷ (2013) 11 SCC 531

decide what fact is material for adjudicating a case and what is not material. It is the obligation of a litigant to disclose all the facts of the case and leave the decision making to the Court.

(VIII) LAW RELATING TO CRIMINAL CONTEMPT:

21. The law relating to contempt of Court is well settled. Any act done or any writing published, which is calculated to bring a Court or a Judge into a contempt or to lower his authority or to interfere with due course of justice or lawful process of Court is contempt of Court. In order to constitute a criminal contempt, it is not necessary that there should in fact be an actual interference with the course of administration of justice but it is enough if offending publication is likely or if it tends to interfere with proper administration of justice [**SEE : HIRA LAL DIXIT (supra)** and **IN RE: P.C.SEN (supra)**].

(IX) ISSUES:

22. In the backdrop of afore-settled legal principles, we advert to the issues which arise for consideration, which can be summarized as under:

- (i) Whether the petitioner's conduct in publishing tweets is bona fide and whether the same amounts to scandalizing the Court?
- (ii) Whether the petitioner is guilty of suppression of facts?
- (iii) Whether the petitioner has complied with mandatory requirements contained in Rule 5 and 7 of the Rules 2010.
- (iv) Whether the petitioner is entitled to any relief?
- (v) Whether the petitioner has committed criminal contempt

and whether any proceeding needs to be initiated against him?

Now, we proceed to deal with the issues ad-seriatim.

(a) First issue:

23. The petitioner has filed this PIL on 23rd October 2024. Learned senior Counsel for the petitioner mentioned the matter before this Court on 12th February 2025. Thereupon, the matter was directed to be listed on 20th February 2025. Immediately after mentioning the matter, on 12th February 2025 the petitioner published tweets against the Government authorities and the High Court. The tweets have been annexed as Exhibit-A and Exhibit-B with the interim application filed by respondent No.3 seeking dismissal of the PIL. It is noteworthy to mention that neither the factum of making the tweets nor the contents of the tweets have been denied by the petitioner in the reply affidavit filed to the preliminary objection filed on behalf of respondent No.3. The conduct of the petitioner in publishing the tweets after mentioning the matter before this Court is not *bona fide*. We need not deal with the conduct of the petitioner in publishing the tweets any further as learned senior Counsel for the petitioner has stated that tweets of the petitioner were inappropriate and the petitioner was advised by the Counsel to take down the tweets. It is pointed out that the tweets were taken down from the social medial platform within a period of five days from the advice given by the Counsel to the petitioner. For the aforementioned reasons, it is held that conduct of the petitioner in publishing the tweets is not *bona fide* and same tantamount to scandalizing the Court. The first issue is

therefore, answered in the affirmative.

(b) Second Issue:

24. Now we deal with the second issue viz. whether the petitioner is guilty of suppression of facts. In ***Bhaskar Laxman Jadhav (supra)*** it was held that it is not for the litigant to decide what fact is material for adjudicating a case and what is not material. It is the obligation of a litigant to disclose all the facts of the case and leave the decision making to the Court. In the instant case, admittedly the petitioner has not mentioned the details of litigation pending between the parties. In paragraph 7 of the affidavit filed on behalf of the petitioner, in response to the interim application seeking dismissal of the writ petition, the petitioner himself has produced the details of cases in the form of a chart along with remarks of the petitioner. The MEIL has filed a rejoinder to the response filed on behalf of the petitioner along with remarks. The details of the cases pending between the parties as well as the remarks made by the petitioner and MEIL are extracted below for the facility of reference:

Sr. No.	Case details	Remarks of petitioner	Remarks of MEIL
1	Defamation Suit O. S. No. 8/2022 titled MEIL V TNM Web filed before First Additional District Judge, Khammam	Petitioner is not a party to the said defamation suit. Hence allegation of suppression is unfounded and baseless since petitioner has no relation with the said matter.	The Petitioner claims that he is not a party to the defamation suit. This is a misleading statement. This is a clear from the following :

		Filed by respondent No.3 against various media houses. CMA 184 of 2022 was filed in Hon'ble High Court of Telangana and the interim order passed by the District Court was set aside by the Hon'ble High Court. This case is popularly known among Journalist Circles.	a) "Toli velugu", a news publishing website and youtube channel is a Defendant in both the Suits. "Toli Velugu" is a product operated and controlled by RTV. In the PIL, Petitioner describes himself as the President of RTV. The LinkedIn page of RTV describes the Petitioner as its Founder.
2	Defamation suit O.S.No.510/2022 titled MEIL V TNM Web LLP filed before Kukatpally Dist. Court.	Petitioner is not a party to the said defamation suit. Hence allegation of suppression is unfounded and baseless since petitioner has no relation with the said matter. The Defendants filed a revision petitions vide CMA 22 of 2023, CMA 45 of 2023 and CMA 51 of 2023 against ad-interim order in High Court and is currently Pending CAV (Case awaiting verdict). This case is popularly known among Journalist Circles.	b) The address of RTV (as described in the cause title of the PIL) is the same as Toli Velugu's address (evident from the screenshot of its YouTube Channel). c) The Petitioner regularly presents news items on "Toli Velugu's" Youtube Channel, more particularly against the Answering Respondent in relation to the subject matter of this PIL. d) Impleadment Petition has been filed seeking to

			add RTV and the Petitioner as Defendant Nos. 21 and 22 in O.S. No. 510/2022. Notice has been issued. The relevant screenshots are annexed herewith as <u>Exhibits A-1 to A-5.</u> The Answering Respondent craves leave of this Hon'ble Court to refer to the relevant videos when produced.
3	CC No.501/2023 filed by MEIL in II Junior Civil Judge cum XIII MM Court, Kukatpally against Tolivelugu & Gajjala Narsimha Reddy for defamation.	The petitioner is not a party to the said private complaint. As per the case status available on e-courts the petitioner is not a party to proceedings. Hence allegation of suppression is unfounded and baseless since petitioner has no relation with the said matter.	In the Criminal Complaint, "Tolivelugu" is an accused. As stated above, "Tolivelugu" is a product of RTV.
4	Criminal Defamation CC No.501/2023 titled MEIL V. Tolivelugu & Gajjala Narsimha Reddy filed before II Junior Civil Judge cum XIII MM Court, Kukatpally.	The petitioner is not a party to the said criminal defamation suit. Hence, allegation of suppression is unfounded and baseless since petitioner has no relation with the said matter.	-----

5	Cyber Complaint No.99/2019 under sec 406 IPC and sec 66D IT Act.	MEIL is not a party to the said proceedings. Petitioner is initially not arrayed as accused in the FIR 99 of 2019. Later on, the Petitioner was arrayed as accused. The petitioner had filed quashing vide CRLP No.6622 of 2019 and investigation was stayed by the Hon'ble High Court and currently the matter is coming up for adjudication. The Complainant is one T. Krishna Prasad, representative of iVision Media India Private Limited.	Petitioner claims that MEIL is not a party to the said proceedings. However, complaint has been filed by Associated Broadcasting Co. Ltd. (" ABCL ") in which the Answering Respondent has a substantial interest as set out in Row 7 below and Exhibit-C of Interlocutory Application.
6	ED Proceedings under PMLA qua ECIR No.17/HYZO of 2020.	MEIL is not a party to the said proceedings. The Complainant in FIR 900 of 2019 (predicate offence) is Associated Broadcasting Company Private Limited (TV9 Company) and not MEIL. FIR No.900 has been closed by the police. Petitioner's quashing petition for quashing of ECIR No.17/HYZO is currently pending adjudication.	These proceedings are also initiated by ABCL.

7	FIR/Crime No.373/2022 filed by Mr. Ch Pedda Subbaiah u/s.505(1)(b)(c), 505(2), 506, 504, 120B of IPC with PS Balanagar.	The petitioner is not an accused in this FIR and no summons has been issued to him. Hence allegation of suppression is unfounded and baseless since petitioner has no relation with the said matter.	FIR was filed by a Director of Answering Respondent against "Toli velugu" and the PIL Petitioner. The said FIRs specifically states that Petitioner is promoter of "Toli velugu." The Answering Respondent on 24.02.2025 received knowledge that the investigating officer has filed a closure report.
8	FIR/Crime No.371/2022 filed by MEIL u/s.505(1)(b)(c), 505(2), 506, 504, 120B of IPC with PS Balanagar.	The petitioner is not an accused in this FIR and no summons has been issued to him. Hence allegation of suppression is unfounded and baseless since petitioner has no relation with the said matter.	PIL Petitioner again misleads that he is not aware of this case. The said case is filed against "Toli Velugu" and PIL Petitioner, who are Accused Nos. 1 and 2. In the said FIR, Chargesheet was filed and the concerned court had taken cognizance of the same.
9	CP No. 310/24/HBD/ 2019 before NCLT, Hyderabad	MEIL is not party in the said dispute. Hence allegation of	The PIL Petitioner mischievously claims that there

		suppression is unfounded and baseless since respondent has no relation with the said dispute. Respondent No.3 is not a party to the litigation in NCLT or NCLAT and is not an owner of Alanda Media, therefore, it cannot be said that the dispute is between petitioner and MEIL. MEIL only has debentures, debt instruments, in Alanda Media and has no equity shares. As such MEIL cannot claim ownership in Alanda Media or in TV9 as both are corporate entities especially basing on the debentures purchased by them. Respondent No.3 is only using it as a ground to question maintainability of the instant petition, since it has no argument on merit with regard to fraud bank guarantees furnished by it. Disclosure of this information has no legal nexus with the issue involved in the instant public	is no suppression of this litigation. The said Petition was filed in NCLT by the Petitioner against Alanda Media. Answering Respondent, holds through its wholly owned subsidiary (MEIL Holdings), a substantial interest in Alanda Media, wherein Answering Respondents holds 259 Optionally Convertible Debentures worth INR 259 Crores.
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		interest litigation and hence the petitioner is not duty-bound to divulge every litigation he is party to.	
10	O.S.No.708/2024 – Delhi High Court	---	The petitioner admits that there is ongoing litigation between MEIL and the petitioner. In the said suit, the answering Respondent has sued the PIL petitioner on the issuing bank guarantees from Euro Exim Bank. However, admittedly, does not disclose the required details of the said litigation in his purported PIL.

25. Thus, from perusal of the aforesaid litigation pending between the parties, it is evident that the petitioner has not disclosed the details of the litigation pending between the parties and has not approached the Court with clean hands. The petitioner, therefore, is guilty of suppression of facts. The second issue is answered in the affirmative.

(d) Third Issue:

26. In a writ petition filed as PIL, under Rule 5 of Rules 2010, the petitioner is required to furnish the details of any civil, criminal

or revenue litigation involving the petitioner or any of the petitioners which has or could have a legal nexus with the issues involved in the PIL. In the instant PIL, the petitioner has not furnished the details of the civil, criminal or revenue litigation involving the petitioner and has not also failed to disclose the litigation pending between the parties in relation to the subject matter of the instant litigation. Thus, the petitioner has not complied with mandate contained in Rule 5 of the Rules 2010. Admittedly, the litigation is pending between the same parties and in relation to the subject matter of the instant PIL i.e. the contract in question. The contention of the petitioner that the litigation pending between the parties does not have legal nexus with the issues involved in the PIL, does not deserve acceptance as the petitioner is under an obligation to disclose all the facts of the case and leave the decision making, whether it is relevant or irrelevant, to the Court. The petitioner has also not filed an affidavit in terms of Rule 7 of the Rules 2010. Thus, it is evident that the petitioner has not complied with the mandate contained in Rule 5 and 7 of the Rules, 2010. Accordingly, the third issue is also answered in the affirmative.

(e) Fourth Issue:

27. This brings us to the question of the petitioner's entitlement to the relief. The petitioner is admittedly guilty of making inappropriate tweets which scandalize the court. The petitioner is also guilty of suppression of facts. The instant PIL has not been filed *bona fide*. Therefore, in the facts and circumstances of the case, we are not inclined to examine the

claim of the petitioner on merits. The petitioner is not entitled to any relief in this PIL. Accordingly, the fourth issue is answered.

(f) Fifth Issue:

28. Now, we proceed to deal with the fifth issue i.e. whether the petitioner has committed criminal contempt and whether any proceeding needs to be initiated against him. In **RE : S.MULGAOKAR²⁸**, it has been held that first rule of branch of contempt power is a wise economy of use by the Court. The Court also should not be hyper-sensitive even when its criticism oversteps the limit. In **Prashant Bhushan And Another, IN RE²⁹**, a three Judge Bench of Supreme Court has held that contempt jurisdiction is summary in nature and is required to be exercised to uphold the majesty of law and of administration of justice. However, the Court is required to be magnanimous when the criticism is made of the Judges or of institution of administration of justice. The tweets of the petitioner are against the institution of administration of justice. In our opinion, the tweet scandalises the Court. Undoubtedly, the petitioner has committed criminal contempt. However, the Counsel for the petitioner, in his submissions, has termed the tweets to be inappropriate. The petitioner has acted upon the advice of his counsel and has taken down the tweets from the social media platform within a period of five days from the advice given to him. Therefore, in the peculiar facts of the case, we do not propose to initiate any contempt proceedings against the petitioner. Accordingly, the fifth issue is answered.

²⁸ (1978) 3 SCC 339

²⁹ (2021) 1 SCC 745

(X) CONCLUSION:

29. In view of the preceding analysis, the Public Interest Litigation is dismissed. However, there shall be no order as to costs.

30. The interim application also stands disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)