



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Sr. No. 118

**CWP No.30190 of 2026
Date of decision: October 05, 2026**

HARYANA 24 NEWS NETWORK PRIVATE LIMITED

...Petitioner

Versus

UNION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Namit Khurana, Advocate, and
Mr. Gagan Budhiraja, Advocate, for the petitioner.

Mr. Dheeraj Jain, Senior Panel Counsel, with
Ms. Amrita Singh, Central Government Counsel,
for the respondent/UOI.

Mr. Bhupender Singh, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* setting aside the intimation given by respondents no.1 to 5 to the sixth respondent/Meta Platforms Inc. under Section 79(3)(b) of the Information Technology Act, 2000 (for short, 'the 2000 Act'), pursuant where to the petitioner's Facebook page "Haryana 24 News Network Private Limited" has been blocked within geographical limits of the country. Further, a direction has been sought to the said respondents to forthwith restore access for public use and viewing in India to the aforesaid verified Facebook page which remains blocked since 21.08.2026.

2. Learned counsel for the petitioner contended that no notice was issued to the petitioner company before blocking its Facebook page, nor has a copy of the intimation/notice issued to the sixth respondent been furnished at any stage. It has been kept in complete darkness about the entire exercise which led to blocking of the Facebook page, causing business losses and adversely affecting its reputation. He also contended that its directors came to know about the blocking through the following notice posted on its Facebook page:

We restricted access to your content in India pursuant to a notice from the Government of India/Law Enforcement under Section 79(3)(b) of the Information Technology Act, 2000. You can learn more about our approach to content restrictions based on local law in our Transparency Center by visiting <https://transparency.meta.com/reports/content-restrictions/content-violating-local-law/>. You may reach out to The Government of India/Law Enforcement to find out more information about this notice and take appropriate legal action (as you may deem fit).

It indicates that the blocking was pursuant to some notice issued by the respondents under Section 79(3)(b) of the 2000 Act and the Rules framed thereunder - Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (for short, 'the 2021 Rules'). Such a direction to block the page can be given to an intermediary only by the officers authorised under the Rules, and in case of police administration the same cannot be by an officer below the rank of Deputy Inspector General of Police (DIGP), specially authorised by the Government for the purpose. This mandatory procedure has not been followed; therefore, the page could not have been blocked.

3. Learned State counsel, on instructions, and without disputing the facts states that one of the Directors of the petitioner company, Mohit Verma, is an accused in case FIR no.353 dated 06.08.2026, registered under Section 308(2) of the Bharatiya Nyaya Sanhita, 2023. He had been continuously posting videos and sending messages through this Facebook page with an intent to intimidate the victim as well as the witnesses of the case. Therefore, an intimation/notice under Section 79 of the 2000 Act read with 2021 Rules, dated 21.08.2026, was issued by the fourth respondent/Superintendent of Police, Yamuna Nagar, to the sixth respondent for disabling access to the petitioner's Facebook page. A copy of this notice has been retained on the case file as Annexure 'A'. He also contends that the notice is in compliance of requirements under the 2021 Rules, as the Superintendent of Police has been authorised as a delegatee to issue the same by the State Government. Further, the petitioner has a remedy to approach the grievance redressal mechanism of the intermediary under Rule 3(2) of the 2021 Rules seeking restoration of access to its Facebook page which has not been availed.

4. Service of notice on the sixth respondent has been dispensed with since no order adverse to its interests is being passed. The only issue being decided is the legality of instructions issued to it by the Government.

5. Heard.

6. Considering the submissions aforementioned, it is apparent that the intimation/notice dated 21.08.2026, blocking access to the petitioner's Facebook page, has been issued to the sixth respondent by the Superintendent of Police for the reasons assigned therein, viz., threatening/intimidating the victim/witnesses of the case in which one of the Directors of the petitioner

company is an accused. This notice is under Section 79 of the 2000 Act, which grants exemption from liability to an intermediary with respect to any third-party information, data or communication link hosted by it, provided on being notified by the Government or its agency the said information, data or communication link, is removed or access to that material is disabled without vitiating the evidence. Section 79 reads as under:

79. Exemption from liability of intermediary in certain cases.—(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.

(2) xxx xxx xxx

(3) The provisions of sub-section (1) shall not apply if—

(a) xxx xxx xxx

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource, controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

6.1. As per the 2021 Rules framed under the 2000 Act, Rule 3 provides for due diligence by an intermediary while discharging its duties. It reads as under:

3. Due diligence by an intermediary.—(1) An intermediary, including a social media intermediary, a significant social media intermediary and an online gaming intermediary, shall observe the following due diligence while discharging its duties, namely:—

6.2. Clause (d) to sub-rule (1) to Rule 3 provides that an intermediary, on whose computer resource the objectionable information prohibited under any law for the time being in force (as detailed therein) has been stored, hosted, displayed or published and is used to commit an unlawful act, upon being notified by appropriate Government or its agency under clause (b) to sub-section (3) to Section 79 of the 2000 Act, shall remove or disable access to such information within thirty-six hours of the receipt of actual knowledge. Such knowledge shall only arise either from an order of a court of competent jurisdiction or a reasoned written intimation by an officer authorised for the purpose by the Government or its agency, being not below the rank of Joint Secretary or an officer equivalent in rank *et al.* In case such intimation is to be issued by the police administration, the authorised officer shall not be below the rank of DIGP, especially authorised by the Government in this behalf. It has also been provided that all such intimations shall be subject to periodical review, once in every month, by an officer not below the rank of Secretary of the concerned Government, to ensure that such intimations are necessary, proportionate and consistent with the statutory provisions. Further, the reasoned intimation should clearly specify the statutory provision invoked, the nature of the unlawful act, and the specific uniform resource locator, identifier or other electronic location of the information, data or communication link required to be removed or disabled.

6.3. In the instant case, the intimation to the intermediary/sixth respondent for blocking access to the petitioner's Facebook page, dated 21.08.2026, has been sent by the Superintendent of Police, who is concededly below the rank of DIGP. Accordingly, it is in violation of clause (d) to sub-rule

(1) to Rule 3 of the 2021 Rules requiring that the authorised officer shall not be below the rank of DIGP. Also, once an officer not below a particular rank has been prescribed as the empowered officer under the statutory rules to issue the intimation, there cannot be delegation of such power to any other officer of a lower rank. Therefore, the contention by learned State counsel that the Superintendent of Police has been delegated the power to issue the intimation, cannot be accepted being unsustainable in law. He has not been able to show any provision in the Rules permitting such delegation, nor has any reference been made in the intimation to the order delegating the power. Thus, it is evident that the Superintendent of Police usurped the power not vested in him in issuing the said intimation in flagrant violation of statutory provisions; this is sheer highhandedness and arbitrary exercise of power. It further needs a mention that in terms of clause (d) to sub-rule (1) to Rule 3, the Government is required to review every month all intimations issued to intermediaries to ensure that the same are necessary, proportionate and consistent with the provisions of Section 79(3)(b) of the 2000 Act. It has also not been shown that any such review was carried out with respect to the intimation issued in the instant case as more than a month has lapsed since it was issued. Accordingly, this Court has no hesitation in holding that the intimation, dated 21.08.2026, issued by the Superintendent of Police is without jurisdiction, and was not required to be acted upon by the sixth respondent.

6.4. The argument by learned State counsel that the petitioner has a remedy of approaching the grievance redressal mechanism of the intermediary under sub-rule (2) to Rule 3 of the 2021 Rules, can also not be a ground to relegate it there. Under sub-rule (2) it is provided that the intermediary shall

publish on its website the name of Grievance Officer and his contact details as well as mechanism for a user to complain against violation of the provisions of this rule or with respect to other matters pertaining to computer resource made available by the intermediary. The Officer has been enjoined upon the duty to acknowledge the complaint within twenty-four hours and resolve it within fifteen days from the date of receipt. In the scheme of things under this Rule, there is no provision for affording any hearing to the user prior to issuance of intimation to the intermediary under clause (d) to sub-rule (1) to Rule 3, though such user will be adversely affected by removal of data or information or blocking access to his page by the intermediary based upon that intimation. Whether not providing pre-decisional hearing to the user is justifiable, is not an issue arising for consideration before this Court as it has not been challenged by the petitioner. Nevertheless, the aspect of providing post-decisional hearing before the Grievance Officer is under consideration. Any such hearing would essentially require that the user, who has been proceeded against under clause (d) to sub-rule (1) to Rule 3, has knowledge about the action that has been taken; he is to be made aware of the intimation, its contents and the material relied upon to issue the same. In its absence, he cannot defend himself and the very purpose of providing the grievance redressal mechanism under sub-rule (2) to Rule 3 gets defeated. Every procedure established by law has to be fair and reasonable, which can only be when it has not violated the basic tenets of natural justice, which includes the right to a fair hearing. This has been reiterated time and again by the Supreme Court, and more recently in *Madhyamam Broadcasting Ltd. v. Union of India*, (2023) SCC OnLine SC 366, which is as follows:

53. This Court held in *Maneka Gandhi* that principles of natural justice infuse reasonableness into the procedure. However, the Court noted that the principles of natural justice are not set in stone and are by their very nature modifiable. So, the violation of every conception of natural justice will not necessarily render the procedure unreasonable and violative of Articles 21 and 14. The Court held that the test that must be followed to determine if non-compliance of natural justice has led to an unreasonable procedure is whether the procedure that was followed (or the procedure that was not followed) violates the core of the primary tenets of natural justice—the right to a fair hearing and the right against bias.

Although sub-rule (2) to Rule 3 does not explicitly lay down the requirement for the Government or its agency to notify the user/person responsible for uploading the data or information on the social media page before sending the intimation, it is an essential obligation ingrained in the principles of natural justice and has to be read into the Rule. Accordingly, a copy of the intimation must be furnished to the user when it is sent to the intermediary. This will make the procedure of sub-rule (2) to Rule 3 compliant of the primary tenets of natural justice and constitutionally valid. In the instant case, the petitioner has not been furnished a copy of the intimation dated 21.08.2026, either by the Superintendent of Police or the intermediary and has been kept completely in dark about the whole exercise. In such a situation, approaching the grievance redressal mechanism by it will be a futile exercise and seriously impair its right to defend. Therefore, this Court finds no justifiable ground to relegate the petitioner to the Grievance Officer for resolution of grievance against blocking of its Facebook page.

7. In the light of discussion, the intimation/notice dated 21.08.2026 is hereby set aside, and the petition is disposed of with the following directions:

- i) The Superintendent of Police/fourth respondent shall instruct the sixth respondent/Meta Platforms Inc. within twenty-four hours of receiving a certified copy of this order, to restore the petitioner's Facebook page to its original status, which shall be urgently complied with by the latter.
- ii) In case the Government finds that any information, data or communication link on the petitioner's Facebook page is prohibited under law and is used for illegal activities, regarding which an intimation is required to be sent to the intermediary by the authorised officer under clause (d) to sub-rule (1) to Rule 3 of the 2021 Rules, a copy of such intimation shall be furnished to the petitioner immediately after it has been sent.

October 05, 2026

Jaspreet Kaur/Maninder

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/reasoned : *Yes*

Whether reportable : *Yes*