

CASE ANALYSIS · DELHI HIGH COURT

Telegram FZ LLC & Anr. vs. Union of India & Ors.

W.P.(C) 8259/2026 & CM APPL. 39036/2026 — Decided 19 June 2026

Coram: Hon'ble Mr. Justice Tejas Karia, Vacation Judge



Section 69A, IT Act



NEET UG 2026 Re-Exam



150M+ Users Affected

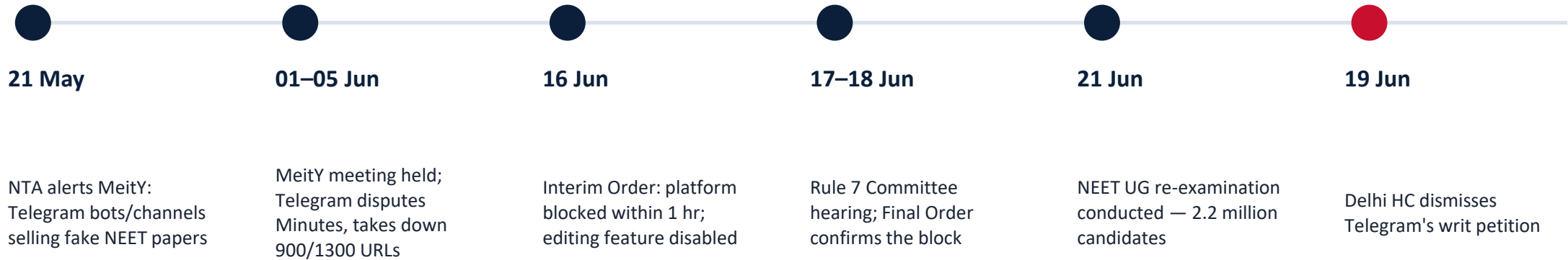


Petition Dismissed

THE BACKGROUND STORY

How a Paper Leak Took Down an App

A fraud ecosystem on Telegram threatened the integrity of NEET UG 2026 — leading to India's most significant platform-blocking order since the internet shutdown cases.



The trigger: Channels openly named "PAPER LEAKED NEET" and "NEET Mafia" demanded money from candidates for fake papers — and resurfaced through mirror channels faster than they could be taken down.

What the Government Actually Ordered



Platform-wide block

Telegram + associated URLs blocked across India within 1 hour, till 22 June 2026



Editing feature disabled

Message-editing functionality suspended till 30 June 2026 to stop backdated "proof" of leaks



ISP & app-store directive

DoT instructed to direct ISPs and app stores to block access nationwide



Committee referral

Designated Officer to place matter before Rule 7 Committee within 48 hours

Statutory basis: Section 69A, Information Technology Act, 2000 — "public order" and "preventing incitement to commission of any cognizable offence"

Scale at stake: 2.2 million NEET candidates · 150 million Indian Telegram users · Re-exam on 21 June 2026

Two Issues Before the Court

01



Non-Application of Mind

Was the Impugned Order vitiated by non-application of mind — did MeitY merely recite Section 69A without independently assessing the material?

02



Proportionality

Did the temporary, platform-wide blocking of Telegram satisfy the constitutional requirement of proportionality, given the impact on 150M+ users?

Telegram's Case

Mr. Dhruv Mehta, Senior Advocate



UAE-registered
LLC, Dubai

1

No real reasons given

Order merely reproduced Section 69A's language — no independent proportionality assessment of a platform-wide block.

2

Good-faith cooperation shown

Engaged since 20 May 2026; disabled 900 of 1300 flagged URLs; runs AI/ML moderation, hash detection, human review.

3

Least restrictive measure ignored

Anuradha Bhasin (2020) 3 SCC 637 requires targeting specific channels/posts, not banning the whole application.

4

Ultra vires Section 69A

The provision empowers blocking of specific "information," not a blanket ban on an entire intermediary platform.

5

Procedural defect

Rule 9(4), 2009 Rules requires the Secretary — not the Committee — to independently apply his mind; mechanical confirmation is impermissible.

6

Disproportionate impact

150M+ Indian users affected, including students relying on Telegram for legitimate NEET study material.

Government's Case

Mr. Tushar Mehta, SG · Mr. R. Venkatramani, AG · Mr. Chetan Sharma, ASG



MeitY · MHA
NTA

1

Architecture defeats takedowns

Mirror channels, bots, anonymous usernames let operators reconstitute instantly — channel-by-channel action is futile.

2

Editing feature enabled fraud

Message-editing with timestamp retention let actors fabricate "leaked" chat artefacts appearing to predate the exam.

3

35 prior engagements failed

Government sought corrective action 35+ times since October 2024; misuse only intensified before the re-exam.

4

"Information" includes the app itself

Section 2(1)(v) defines information to include codes, software, databases — an application is an aggregation of "information."

5

Public order, not just exam fraud

I4C reports tied Telegram to CSEAM, malware, and cyber-fraud; multi-state arrests showed organised, ₹1.5 crore-plus fraud.

6

Durov's own admission

CEO Pavel Durov publicly conceded removing "hundreds of channels" and fixing the editing label to stop "backdating scams."

The CEO's Tweet That Backfired



@durov · 16 June 2026

"We removed hundreds of channels sharing leaked exam materials and related scams in India. We're also making the 'edited' label more visible to prevent backdating scams. Telegram is a force for good. Banning it — even temporarily — is a mistake."

What the Committee Read Into It

- ✓ Confirms hundreds of channels existed at scale — corroborating NTA's claims
- ✓ Concedes moderation was reactive removal, not preventive screening
- ✓ Uses the term "backdating scams" himself — without disputing the phenomenon
- ✓ Admits the existing 'edited' label was inadequate — undercutting the ultra vires argument

Why it mattered: The Final Order devoted an entire section (§11) to this statement — treating it as a voluntary admission that the platform's existing safeguards were a “deliberate policy choice” rather than a technical limitation, weakening Telegram's “we did all we reasonably could” defence.

Non-Application of Mind: Rejected

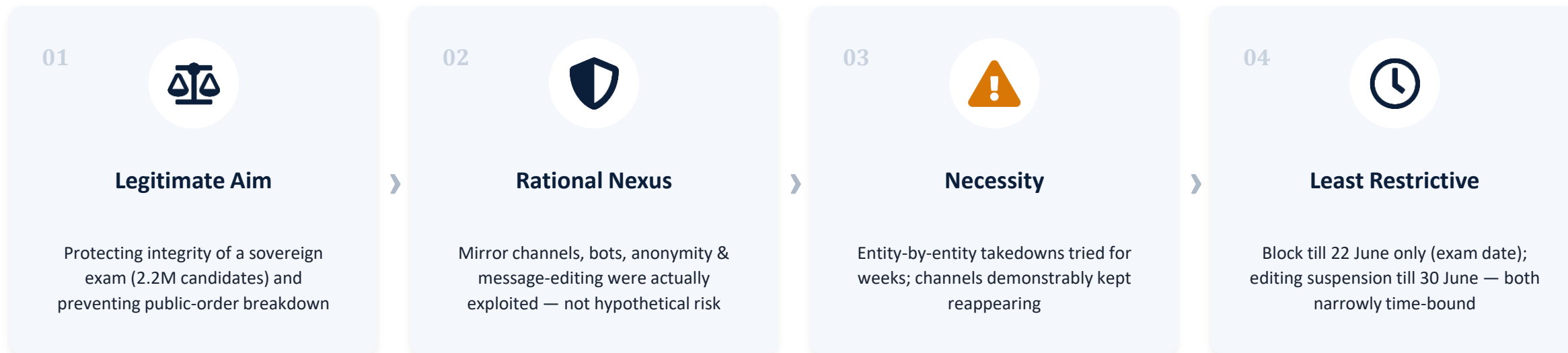


Held in favour of
the Government

- 1 The Impugned Order traced a clear chain: NTA's complaint → the 3 June meeting → disputed compliance → the specific apprehension over the editing feature. This is more than mere recital of Section 69A.
- 2 Given the emergency / time-critical nature of a Section 69A interim direction, the reasons supplied at that stage were held sufficient — full natural justice is satisfied by the post-decisional hearing, not a pre-decisional one.
- 3 The two-stage structure under Rule 9 — interim satisfaction by the Secretary, followed by a Rule 7 Committee hearing and a detailed Final Order — is exactly what the 2009 Rules contemplate. The Final Order does not impermissibly “supplement” the interim order; it is the next statutory step.
- 4 The Final Order's 13-section reasoning (NTA/I4C reports, platform features, Durov's statement, proportionality findings) further fortified the nexus between material and conclusion.

The Proportionality Test, Applied

Anuradha Bhasin v. Union of India, (2020) 3 SCC 637 — four-part framework



Court's conclusion: *"The measures adopted by Respondent No. 1 under the Orders constitute the least restrictive measure for achieving the stated objective... the action cannot be held to be disproportionate." — §47, Judgment*

Can Section 69A Block an Entire Platform?



Telegram's Reading: Narrow

“Information” under Section 69A means specific posts, files, messages, or accounts — not the software platform itself. Blocking the entire app to deal with some unlawful content is using a sledgehammer where a scalpel is required, and exceeds the statute's intentment.

Result: Order is ultra vires Section 69A



Court's Reading: Expansive

Section 2(1)(v) defines “information” to expressly include codes, computer programmes, software and databases — not just messages or files. An app is a compilation of code, databases, and APIs, and therefore itself an aggregation of “information” under the Act.

Result: Power under Section 69A validly extends to the platform itself

Writ Petition Dismissed

Both the Interim Order (16.06.2026) and Final Order (18.06.2026) upheld as lawful and proportionate



Issue 1: No non-application of mind

Reasons in the order, fortified by the Final Order's detailed findings, were held sufficient



Issue 2: Proportionality satisfied

Time-bound, event-linked block held to be the least restrictive effective measure available



Section 69A held to cover platforms

“Information” construed broadly enough to include an application/platform itself

Why This Judgment Matters



Scope of Section 69A

- First clear precedent that “information” can extend to an entire app/platform
- Relevant for future intermediary-liability and takedown notice drafting
- Strengthens government's hand in platform-level (not just content-level) blocking



Proportionality Re-shaped

- Repeated, demonstrated architectural failure can satisfy — not defeat — proportionality
- Distinguishes Anuradha Bhasin's internet-shutdown context from app-specific blocking
- Time-bound, event-linked orders are key to surviving judicial review



Client Advisory Use

- Useful precedent for advising intermediaries on 2021 Rules compliance obligations
- Relevant content for cybercrime awareness audience: “can the government block an app?”
- CEO public statements can become evidentiary admissions — advise clients accordingly