

(2025) 08 DEL CK 0753

In the Delhi High Court

Case No : Writ Petition (C) No. IPD 47 Of 2025, Civil Miscellaneous Application
Nos. 202, 203 Of 2025

Champion Project Enterprises & Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 22-08-2025

Acts Referred:

Constitution of India, 1950 — Article 226
Copyright Act, 1957 — Section 2(o), 13(1)(a)

Citation : (2025) 08 DEL CK 0753

Hon'ble Judges : Tejas Karia, J

Bench : Single Bench

Advocate : Tashriq Ahmad, Akbar Ali, Farzeen Iqbal, Mohammad Abeer, Sandeep Kumar Mahapatra, Mrinmayee Sahu, Tribhuvan

Final Decision : Dismissed

Judgement

Tejas Karia, J

1. The Petitioners have filed the present Petition under Article 226 of the Constitution of India, 1950 seeking the following prayer:

"i. Allow the present Writ Petition and issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to pay compensation to the Petitioners for the unauthorized use, adoption, and infringement of the Petitioners' original project titled "SPAN" (Student Permanent Account Number) including financial losses due to intellectual property violation, caused to the Petitioners;

ii. Direct the Respondents to pay a sum of ₹ 4,28,53,58,300/- (Rupees Four Hundred Twenty-Eight Crores Fifty-Three Lakhs Fifty-Eight Thousand Three Hundred Only) to the Petitioners, as compensation for the unauthorized use of the SPAN Project and the resultant damages suffered;"

2. The Petitioners claim statutory rights of Copyright in relation to the project

titled as 'Student Permanent Account Number-SPAN Project', which the Petitioners claim that has been unlawfully copied and used by the Respondents in the form of 'APAAR ID Project' - Automated Permanent Academic Account Registry.

3. The Petitioner claims that in the year 1993, when the Petitioner was a student of 11th standard, a devastating earthquake struck the Latur District in Maharashtra resulting in loss of numerous life and important personal documents including educational records. This tragic event inspired the Petitioner to conceive the idea of safeguarding students' academic records. After extensive efforts, the Petitioner developed a digital record management system designed to preserve and secure the complete educational identity and documentation of every student in India and named the same as 'SPAN'.

4. The object of 'SPAN' was to secure and maintain students' educational records from kindergarten ("KG") to post graduation ("PG") in a centralised manner, accessible throughout India.

5. Petitioner No. 2 claims to be the original author and innovator of the digital record management system titled 'SPAN', which is a unique educational identification system designed to assign a permanent digital academic number to each student from KG to PG across India.

6. It was submitted by the learned Counsel for the Petitioners that the 'SPAN' Project was developed by Petitioner No. 2 using his own intellectual labour, creativity and expertise and is a work of original authorship within the meaning of Section 2(o) read with Section 13(1)(a) of the Copyright Act, 1957 ("Act").

7. On 24.02.2017, the Petitioners claim to have sent a letter to the Education Minister, Government of India, explaining the benefits of 'SPAN' Project. The Petitioners claim that another letter was sent on 10.05.2017 to the Education Minister, Government of India, stating that the 'SPAN' Project is based on Digital India which can generate the annual income of ₹ 30,000 Crores to the Education Department of the Government and also benefit the students, schools, colleges, educational and vocational training institutions.

8. The learned Counsel for the Petitioners submitted that in the said letters, Petitioner No. 2 had shared the details of the 'SPAN' Project with the Government of India. It was submitted that the APAAR ID Project, launched by Government of India in 2024, is identical to the 'SPAN' Project, developed by the Petitioners, which clearly shows that APAAR ID has been unlawfully copied from the Petitioners' original work without permission, acknowledgment or consultation.

9. It was further submitted that on 21.09.2019, a special session of Central Advisory Board of Education ("CABE") was held to discuss the draft of National Education Policy ("NEP"), however, there was no discussion on APAAR ID Project. This shows that APAAR ID was not discussed during this special session of CABE.

10. It was also submitted that although the Government claims that APAAR ID is based on NEP 2020, however, the notification dated 29.11.2021 issued by the Ministry of Education, Government of India does not mention or introduce the APAAR ID Project. It was submitted that the Government has launched APAAR ID Project although the same was not a part of the NEP 2020, which is identical to the 'SPAN' Project of the Petitioners. This clearly indicates that the Petitioner's original work was wrongfully copied and repurposed without proper authorization.

11. Petitioner No. 2 had submitted a copyright application on 11.05.2023 with complete details of his original work to the Registrar of Copyrights under Diary No. 17822/2023-CO/L, in accordance with the Act for obtaining statutory protection for his creation. It was submitted that the said application is still pending.

12. It was further submitted that the copyright in the 'SPAN' Project vested in the Petitioners from the moment it was created as per Section 13(1)(a) of the Act and the pendency of the application does not dilute or negate the copyright of the Petitioners subsisting in the 'SPAN' Project. It was submitted that the rights of the Petitioners as the original author and owner of the 'SPAN' Project are valid and enforceable even during pendency of the registration.

13. On 01.09.2023, a letter was received from the Registrar of Copyright notifying the discrepancy in the application submitted by the Petitioners. The Registrar of Copyright has raised an objection that a firm / company cannot be listed as the author of a work and requested to submit a revised Statement of Particulars that includes the details of the author, a natural person who actually created the work, along with a No Objection Certificate ("NOC") in favour of the applicant of the copyright. Vide letter dated 11.10.2023, the Petitioners sent NOC to the Registrar of Copyright stating that there are two partners in the firm and both agree to register the copyright under the firm's name.

14. It was submitted that on 11.10.2023, a letter was issued by the Ministry of Education, Government of India regarding creation of APAAR ID for students despite the fact that NEP 2020 and NEP 2023 were completely silent about APAAR ID Project. It was submitted that the concept and structure of the APAAR ID Project, launched by the Government of India is a clear imitation / copy of the Petitioners' original 'SPAN' Project. The Respondents have implemented the same project in the name of APAAR ID without any permission, acknowledgment or due credit to the Petitioners.

15. It was submitted that when the Petitioners came to know that a similar project named APAAR ID has been launched by the Respondents, the Petitioners moved an application under the Right to Information Act, 2005 ("RTI Act") on 24.12.2024 asking the information about who created the APAAR ID Project, on which date APAAR ID Project was submitted and which company got the tender for making the project for APAAR ID.

16. It was submitted that on 13.01.2025, the Ministry of Education, Government

of India sent a reply to the Petitioners, giving the following response:

“(1) Not Applicable

(2) APAAR was launched by Hon’ble Education Minister Shri Dharmendra Pradhan on 13th February 2024.

(3) Apaar ID has been developed in line with the key aspects of NEP 2020.

(4) U-DISE will provide an MIS report on Apaar ID generation and verification, and it will not be given to any party or company.”

17. It was submitted that being aggrieved with the reply dated 13.01.2025, the Petitioners filed appeal before the First Appellate Officer under the provisions of the RTI Act. It was submitted that the Petitioners have also sent communication dated 30.01.2025 to the Ministry of Education, Government of India, to provide a certified copy of the e-mail dated 24.02.2017 sent to the Education Minister, Government of India, by the Petitioners. The Petitioner has also moved another application under the RTI Act on 30.01.2025 to the Public Information Officer, Intellectual Property Building (Copyright), Dwarka Sector 14, New Delhi to provide the information regarding the application submitted for registration of ‘SPAN’ Project.

18. It was submitted that on 12.02.2025, the Ministry of Education, Government of India informed the Petitioners that the e-mail ID minister.hrdgov.in is not associated with the office of the present Education Minister. It was submitted that on 28.02.2025, the Petitioners have moved an application under the RTI Act to the Ministry of Electronics and Information Technology, Government of India, seeking information about APAAR ID. On 05.03.2025, the Ministry of Electronics and Information Technology, Government of India, sent a response to the Petitioners informing that the application has been transferred to the Digital Governance Division.

19. In view of the above, it was submitted that there is no specific document of Ministry of Education or any other Ministry of Government of India between the year 2017 and 2023 relating to APAAR initiative and the first time the APAAR ID Project was mentioned on 29.07.2023 in a panel discussion of Akhil Bharatiya Shiksha Sangam, Ministry of Education, Government of India. There is no specific Minutes of Ministry of Education or any other nodal Ministry of Government of India between 2017 and 2023 reflecting any fund of allocation for creation of APAAR ID framework.

20. The learned Counsel for the Petitioners submitted that the APAAR ID Project is a copy of the Petitioners’ ‘SPAN’ Project and requires protection under Section 13(1)(a) of the Act. It was submitted that the deliberate use, adoption and misappropriation of the Petitioners’ original work contained in the ‘SPAN’ Project by the Respondents without obtaining prior permission or giving due acknowledgment to the Petitioners amounts to wilful infringement under Section 63 of the Act. It was submitted that the APAAR ID Project is identical in structure

and objective to the 'SPAN' Project of the Petitioners and despite having knowledge of the Petitioners' authorship and prior disclosure to the concerned Ministry, the copy of the same was intentional and not accidental.

21. It was submitted that the Petitioners' original idea had immense public utility and failure to recognise the authorship and contribution harms the Petitioners' legal right and also discourages innovation, transparency and integrity in public governance. It was submitted that APAAR ID was never reflected in NEP 2020 and, therefore, the response dated 13.01.2025 received from the Ministry of Education, Government of India, to the application of the Petitioners under the RTI Act was incorrect.

22. This Court has considered the above submissions on behalf of the Petitioners. The Petitioners have relied upon the letter dated 24.02.2017 claimed to have been sent to the Education Minister, Government of India with the details of the 'SPAN' Project. The Petitioners have annexed a copy of the 'SPAN' Project along with the Petition. A perusal of the copy of the letter dated 24.02.2017 said to have been sent shows that there is no proof of dispatch or receipt of the said letter as claimed to have been sent by the Petitioners. Assuming that the said letter was sent, it did not annex the copy of the 'SPAN' Project as filed with this Petition. The Petitioners have provided a comparison between 'SPAN' Project and APAAR ID Project in Paragraph No. 8 of the Petition. None of the details mentioned in this comparison forms part of the alleged letter dated 24.02.2017.

23. Therefore, the allegation that the APAAR ID Project is a copy of the 'SPAN' Project as the same was shared with the Respondents in the letter dated 24.02.2017 is without any basis. Hence, there cannot be any copy or reproduction of 'SPAN' Project by the Respondents while implementing the APAAR ID Project.

24. The Petitioners have not alleged that the learned Registrar of Copyright has shared the details of 'SPAN' Project with the Ministry of Education, Government of India. In any event, according to the Petitioners, when the APAAR ID Project was launched on 11.10.2023, the application of the Petitioners was under objection before the learned Registrar of Copyright, which was cleared by the Petitioners on the same day on 11.10.2023. Therefore, it cannot be alleged that APAAR ID Project was a copy or based on the 'SPAN' Project of the Petitioners.

25. The Petitioners have not been able to establish any infringement of copyright by the Respondents in implementation of APAAR ID Project by copying the same from the 'SPAN' Project of the Petitioners. Accordingly, the present Petition is devoid of any merit and is hereby dismissed. The pending Applications stand disposed of.