

IN THE OFFICE OF THE ADJUDICATING OFFICER,

**SH. RAJESH AGGARWAL,
SECRETARY, DIRECTORATE OF INFORMATION TECHNOLOGY
GENERAL ADMINISTRATION DEPARTMENT,
GOVERNMENT OF MAHARASHTRA,**

Complaint No. 2 of 2013

IN THE MATTER OF

1. Arhan Technologies Pvt Ltd

..... **Complainants**

Versus

1. Endo Kogyo Co. Ltd Japan
2. Sh. Ashish Kalmegh
3. Endo Kogyo India Pvt Ltd, Pune

..... **Respondents**

This is proceedings of a complaint filed by the complainant for Adjudication under section 46 of the Information Technology Act, 2000. The complainant is an engineering products company with which the respondent number 2 was working before he left the company and joined the client company of the complainant, Endo Kogyo which was using the services of the complainant to market their products in India. The respondent no. 2 later joined Endo Kogyo India Pvt Ltd which was set up by respondent no 1.



An earlier order was passed dated 06/03/2013 that the case could not be admitted, as prima facie, it appeared that the case pertained to use of personal email account by the respondent no 2 and thus was out of the purview of violations of provisions of IT Act 2000.


However, the police investigation report and the representation made by the complainant have brought more facts in to the case. The complainant has alleged that the case deals with much more serious offence of corporate data theft, downloading, copying of information /data, denial of access to authorised persons to access computer system, computer network etc. The case goes beyond the mere use of a personal mail id and deals with more serious offences covered under the Section 43 of the IT Act, 2000 (amended in 2008).

On the basis of the powers vested in me under Section 46 (5) read with subsection(2) (e) (Reviewing its decisions) of Section 58 the IT Act, 2000 and in keeping with the basic principles of natural justice, equal opportunity needs to be provided to both the parties involved to present and defend their case.

ORDER

The case 02/2013 is admitted for deciding on merit and all parties are expected to present their case as and when summons for hearing are issued.



 8.5.2013

Rajesh Aggarwal

Secretary (Information Technology)
Government of Maharashtra,
Mantralaya , Mumbai- 32