

\$~30(OS), 1(OS) to 29(OS)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 27th March, 2023

+ **CS (COMM) 135/2022 & I.As. 3423/2022, 9363/2022, 12156/2022, 16505/2022, 1221/2023, 1222/2023**

DABUR INDIA LIMITED

..... Plaintiff

Through: Mr. Anirudh Bakhru, and Mr. Kripa Pandi, Advocates. (M:9810013453)

versus

ASHOK KUMAR AND ORS

..... Defendants

Through: Mr. Yashvardhan Singh, Advocate for D-1. (M:9667056770)

Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehawat Alexander Mathai Paikaday, Advocates (M: 9810788606).

Ms. Kruttika Vijay, Ms. Geetanjali Viswanathan, & Ms. Aishwarya Kane, Adv. for D-5 (M-9910083144)

Mr. Dayan Krishnan Senior Advocate with Mr. Alipak Banerjee, Mr. Parva Khare, Mr. Brijesh Ujjainwal Advocates for D-4. (M: 9987115749)

Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-7. (M:8800556341)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

ACP Raman Lamba with Insp. Suneel Siddhu, IFSO, Special Cell.

(1) **WITH**

+ **CS (COMM) 20/2019 & I.As.561/2019, 20157/2022**

TATA SKY LIMITED

..... Plaintiff

Through: Mr. Vinayak, Advocate.
(M:9013008939)

versus

S G ENTERPREISES – TATA SKY SALES AND SERVICES AND
ORS. Defendants

Through: Mr. Moazzam Khan, Ms. Shweta Sahu,
Mr. Alipak Banerjee and Ms. Parva
Khare, Advs. for D-5. (M:9987115749)
Ms. Akshita Jain, Advocate for D-8.
(M:9990526912)

(2)

WITH

+ CS(COMM) 193/2019 & I.As. 5399/2019, 11497/2019, 18216/2019,
15451/2021, 6069/2022

COLGATE PALMOLIVE COMPANY & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan &
Mr. Rohil Bansal, Advs.(M-
9079965359)

versus

NIXI & ANR. Defendants

Through: Ms. Akshita Jain, Advocate for D-1
(M-9990526912).

Mr. Darpan Wadhwa, Sr. Advocate
with Ms. Swati Agarwal, Ms. Binsy
Susan, Mr. Shashank Mishra, Ms.
Akshi Rastogi, Ms. Vaani Kaushik &
Mr. Vaarish Sawlani, Advs for D-3-4.

Mr. Anurag Ahluwalia, CGSC with Mr.
Danish Faraz Khan, Mr. Abhigyan
Siddhant and Mr. Rahul Sharma,
Advocates for UOI (M-9999999045)
with Mr. Tanmay Nirmal, Manager
legal.

Mr. Tentu Satyanarayan, Director
(Legal), UIDAI & Mr. Tanmaya
Nirmal, Deputy Manager (Legal &
Policy), UIDAI (M-9899113033).

Mr. Kushagra Goel & Mr. Abhimanyu Yadav, Advocates for D-7 (M-9711443294).

SI Prince Kumar, PS Hauz Khas.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(3)

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WITH

CS (COMM) 297/2019

MOTHER DAIRY FRUIT & VEGETABLE PVT. LTD..... Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shobhit Agarwal and Mr. Deepank, Advocates.

versus

KUMAR PRAHLAD & ANR.

..... Defendants

Through: Mr. Yash Vardhan Singh, Advocate for D-1.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH

CS (COMM) 298/2019 & I.As.8189/2019, 13215/2019, 13631/2019, 15695-96/2019, 14210/2021, 16707/2021

ULTRATECH CEMENT LIMITED & ANR. Plaintiff

Through: Mr Kushal Gupta, Advocate.

versus

WWW.ULTRATECHCEMENTS.COM & ORS. Defendants

Through: Mr. Darpan Wadhwa, Sr. Advocate with Ms. Binsy Susan & Ms. Swati Agarwal, Advocates for GoDaddy. (M:9650001297)

Mr. Ananta Prasad Mishra & Mr.

Gagan Gupta, Advocates for D-9.
(M:9990937838)

Mr. Manish Mohan, CGSC for UOI.
(M-999910115)

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum, Inspector Suneel
Siddhu and SI Manzoor Alam.

(5)

WITH

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CS (COMM) 317/2019 & I.As. 8404-05/2019, 3270/2020

DHARAMPAL SATYAPAL LIMITED

..... Plaintiff

Through: Mr. Rajesh Yadav, Sr. Advocate with
Ms. Ruchira V. Arora and Mr.
Dhananjay Mehlawat, Advocates.
(M:9911006159)

versus

RAJNIGANDHA DISTRIBUTORS PRIVATE LIMITED

& ORS

..... Defendants

Through: Mr. Mahesh, Mr. Gulshan Kumar, Ms.
Shubhangi Sood & Ms. Aashi,
Advocates for D-2,3.

Mr V. P Singh & Mr. Vansh Malhotra,
Advocates for D-10.

Mr. Siddharth Sangal & Ms. Nilanjani
Tandon, Advocates for D-11/SBI.

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

Mr. Santosh Kumar Tripathi, Standing
Counsel with Mr. Arun Panwar, Mr.
Tapesh Raghav, Mr. Prudyumn Rao
and Mr. Mahak Rankawat, Advcoates.

(6)

WITH

+ **CS (COMM) 732/2019 & I.As. 3865/2020, 9234/2020, 4171/2021, 4172/2021**
MONTBLANC SIMPLO GMBH Plaintiff
Through: Mr. Pravin Anand & Mr. Devesh Ratan, Advs. (M:9810333571)

versus

MONTBLANCINDIA.COM & ORS. Defendants
Through: Mr. Yajur Bhalla, Mr. Deepak Samota and Mr. Sumer Ahuja, Advocates for D-1, 2, 4 to 10 & 20. (M:9711009378)
Ms. Asiya Khan, Advocate for D-25 (M: 9971644936).
Mr. Alipak Banjerjee, Ms. Pava Khare & Ms. Shweta Sahu Advs for D-18.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(7)

WITH

+ **CS (COMM) 82/2020 & I.A. 2402/2020**
JOCKEY INTERNATIONAL INC. Plaintiff
Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shobhit Agarwal and Mr. Deepank, Advs. (M:8800520258)

versus

WWW.JOCKEYFRANCHISE.COM & ORS. Defendants
Through: Mr. Vivek Jain and Ms. Aastha Tiwari, Advs. for D-4. (M:9871863446)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(8)

WITH

+ **CS (COMM) 251/2020 & I.As. 5544/2020, 7655/2022**

MICROSOFT CORPORATION & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.

versus

MS CZONE SOLUTIONS & ORS. Defendants

Through: Mr. Sumit Nagpal, Ms. Nancy, Ms. Dolly Luthra and Ms. Aastha Sood, Adv for D-1 & 2. (M:9911995000) Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(9)

WITH

+ CS (COMM) 255/2020 & I.As. 5590-91/2020, 11099/2020, 6402/2022
INDIAMART INTERMESH LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

MR. AKASH VERMA & ORS. Defendants

Through: Mr. Neel Mason, Mr. Uday Singh Chopra, Mr. Saransh Saini and Mr. Ujjawal Bhargava for D-2. (M: 9399304251). Ms. Meenakshi Dutta, Mr. Anupam Kumar Mishra & Mr. Gautam Harshwal, Advocates for D-4 & 7. (M: 9521151974) Mr. Saransh, Advocate for Ms. Nandita Rao, ASC (Crml.),GNCTD. Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai

Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(10)

WITH

+ **CS (COMM) 324/2020 & I.As. 6950/2020, 12588/2020, 12611/2020, 11510/2021**

MCDONALDS CORPORATION & ANR. Plaintiffs

Through: Ms. Priya Adlakha, Mrs. Bindra Rana, Ms. Tanvi Bhatnagar, Ms. Rima Majumdar and Ms. Shilpi Sinha, Advocates. (M:9818202368)

versus

NATIONAL INTERNET EXCHANGE OF INDIA & ORS.

..... Defendants

Through: Mr. Vivek Jain & Mr. Aastha Tiwari, Advocates for D-18 & 28 (M9811426480).

Mr. Alipak K. Banerjee and Ms. Shweta Sahu, Advocates for D-5, 2, 6 7, & 8 (M: 9987115749).

Mr. Ravi Prakash, CGSC with Mr. Sahonwlah Farmani Ali, Advocate for D-35&36 (M-9469448888)

Mr. Santosh Kumar Rout, Mr. Pawan Kumar & Mr. Abhishek Chakraborty, Advocates for D-13 to 17, 22, 26, 27, 31)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(11)

WITH

+ **CS (COMM) 373/2020 & I.A. 7995-96/2020, 7999/2020, 9171/2020, 84/2021, 430/2021 & 1371/2021**

ITC LIMITED

..... Plaintiff

Through: Mr. Pravin Anand, Ms. Vaishali, Mr. Shivang Sharma & Mr. Siddhant Chamola, Advocates

versus

ASHOK KUMAR & ORS.

..... Defendants

Through:

Ms. Ritu Mishra, Advocate for D-6.
Mr. Hrithik Goyal and Ms. Lovleen Goyal, Advocates for D-12.
(M:8826767020)

Ms. Deepika Kathuria, Adv. for D-14.

Ms. Asmita Kumar, Advocate for D-31.
(M:9899967516)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(12)

WITH

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CS (COMM) 424/2020 & I.A. 20246-47/2022

SHOPPERS STOP LIMITED

..... Plaintiff

Through:

Mr. Sagar Chandra, Ms. Shubhie Wahi, Ms. Ankita Seth and Ms. Sanya Kapoor, Advocates.
(M:9810907412)

versus

M/S SHOPPERSTOP & ORS.

..... Defendants

Through:

Mr. P.S. Sudheer and Ms. Anne Mathew, Advs. for D-5.
(M:9891760039)

Mr. Moazzam Khan Advocate, Mr. Alipak Banerjee Advocate Ms. Shweta Sahu Advocate, Mr. Parva Khare Advocate, Mr. Brijesh Ujjainwal Advocate.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along

with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

(13) WITH
+ CS (COMM) 498/2020 & I.A. 10520-21/2020, 2506/2021, 2530/2021
MICROSOFT CORPORATION & ANR. Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Khan, Mr.
Shantanu Sahay, Ms. Imon Roy and
Mr. Apoorv Bansal, Advocates.

versus

PCPATCHERS TECHNOLOGY PRIVATE LIMITED
& ORS. Defendants
Through: Mr. Sumit Nagpal, Ms. Nancy and Ms.
Aashta Sood, Advocates for D-1, 2 & 3.
(M:9911995000)
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

(14) WITH
+ CS (COMM) 95/2021 & I.A. 4800/2021, I.A. 21025/2022
THE HIMALAYA DRUG COMPANY & ORS. Plaintiffs
Through: Ms. Prachi Agarwal and Ms. Ms.
Ridhie Bajaj, Advocates.
(M:8800972785)

versus

ASHOK KUMAR & ORS. Defendants
Through: Mr. Alipak Banderjee, Ms. Shweta
Sahu, Mr. Parva Khare and Mr. Brijesh
Ujjaniwal, Advocates for Go Daddy
(M: 9987115749).
Mr. Tushar Singh & Ms. Trisha
Patnaik, Advocates for D-25.
Mr. Surinder Singh, Advocate for D-29
(M-9311325398)
Ms. Hetu Arora Sethi, ASC, GNCTD

with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(15) WITH
+ CS (COMM) 154/2021 & I.A. 4692/2021, 10905/2022
GODREJ PROPERTIES LTD Plaintiff
Through: Mr. Pravin Anand, Mr. Vibhav Mithal and Mr. Achyut Tiwari, Advocates. (M:8447458389)

versus
ASHOK KUMAR & ANR. Defendants
Through: Mr. Darpan Wadhwa, Sr. Advocate with, Mr. Alipak Banerjee, & Ms. Shweta Sahu, Advocates for D-2. (M:9987115749)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(16) WITH
+ CS (COMM) 176/2021 & I.As. 14924/2022, 14925/2022
SNAPDEAL PRIVATE LIMITED Plaintiff
Through: Ms. Tanya Varma & Ms. Devyani Nath, Advocates. (M:7042547106)

versus
GODADDYCOM LLC AND ORS Defendants
Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat Alexander Mathai Paikaday, Advocates (M: 9810788606). Ms. Shweta Sahu and Mr. Alipak Banerjee, Mr. Parava Khare and Mr. Brijesh Ujjainwal, Advs, for D-2,3,4,23,26,31. (M:9987115749)

Mr. Darpan Wadhwa, Sr. Advocate with Mr. Moazzam Khan, Mr. Alipak Banerjee and Ms. Shweta Sahu, Advocates for D-1 & 10.

Ms. Kruttika Vijay and Ms. Aishwarya Kane, Advocates for D-9. (M:9910083144)

Mr. Praveen Kumar Jain & Ms. Shalini Jha, for D-34. (M:9871278525)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(17)

WITH

+ **CS (COMM) 276/2021 & I.A. 7329/2021, 2596/2023, 4956/2023**
MICROSOFT CORPORATION & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.

versus

TECH HERACLES OPC PRIVATE LIMITED
& ORS. Defendants

Through: Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.
Mr Rajiv Kumar Malik, Mrs. Megha, Mr Deepanshu Nainwal, Advocates for D-1 to 3.

(18)

WITH

+ **CS (COMM) 293/2021 & I.As.7543-44/2021, 10308/2021, 15052/2021**

TATA SONS PRIVATE LIMITED & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan Mr.

Achuthan Sreekumar & Mr. Rohil
Bansal Advocates. (M:9079965359)

versus

M/S ELECTRO INTERNATIONAL & ORS. Defendants

Through: Mr. M.K. Singh, Advocate for Mr.
Samir Chugh, Advocates for Airtel (M-
9810455716)

Ms. Deepika Kathuria, Adv. for D-8.
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

(19)

WITH

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CS (COMM) 399/2021 & I.A. 10855/2021

HINDUSTAN UNILEVER LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin
Sharma, Mr. Yatin Garg, Mr. Ranjeet
Singh, Mr. Vivek Ayyagari, Mr. Angad
Makkar, Mr. M. J. Sudarshan, Ms.
Ramya Aggarwal and Mr. Sohrab
Mann, Advocates.

versus

NITIN KUMAR SINGH & ORS. Defendants

Through: Mr. Ankur Prakash, Ms. Simran Gill,
Mr. Yudhishtir Bhardwaj, Mr.
Dhananjay, Mr. Amod Bidhuri & Mr.
Saquib Siddiqui, Advocates for D-1
Mr. Akshit Chaudhary, Advocate for
D-5.

Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Kamaldeep, Advocate for
UOI/D-18 & 19.

Mr. K.K. Singh, Advocate for D-27.

Mr. K.R. Sasiprabhu and Mr. Tushar
Bhardwaj, Advs for Reliance Jio.

Ms. Hetu Arora Sethi, ASC, GNCTD

with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(20)

WITH

+ **CS (COMM) 524/2021 & I.A. 13715/2021, 4506/2022**
KAMDHENU LIMITED

..... Plaintiff

Through: Mr. Nikhil Sonker, Advocate.
(M:7726021194)

versus

RAGHUNATH VIRDHARAM BISHNOI AND ORS. Defendants

Through: Mr. Rishabh Gupta and Mr. Abhishek Kumar Singh, Advocates.

Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehawat Alexander Mathai Paikaday, Advocates (M: 9810788606).

Mr. Lakshy Aggarwal, Advocate for D-3.

Mr. Neel Mason, Mr. Vihan Dang, and Ms. Aditi Umapathy, Advocate

Mr. Rishi Kapoor and Mr. Satish Rai, Advocates for D-3. (M:8368148214)

Ms. Shweta Sahu, Mr. Alipak Banjerjee, Mr. Parva Khare and Mr. Brijesh Ujjainwal, Advocates for D-8. (M:9987115749)

Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-9. (M:8800556341)

Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advocates for D-10 (M-99101983636)

Mr. Alipak Banjerjee, Ms. Pava Khare & Ms. Shweta Sahu Advs for D-8.

Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs. for Reliance Jio.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(21)

WITH

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CS (COMM) 26/2022 & I.As. 612-13/2022, 954/2022

HT MEDIA LTD

..... Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates. (M:8017571175)

versus

POOJA SHARMA & ORS.

..... Defendants

Through: Mr. Pramod K. Sah, Advocate for D-4. Ms. Deepika Kathuria, Adv. for D-10. Mr. Alipak Banerjee, Ms. Shweta Sahu, Mr. Brijesh Ujjainwal, and Adv. for D-19. (M:9987115749) Mr. Vihan Dang, Ms. Aditi Umopathy and Mr. Parva Khare, Advocates for D-20. (M:9911983636). Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel. Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(22)

WITH

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CS (COMM) 35/2022 & I.As. 819/2022, 3168/2022, 4738/2022, 8767/2022

KAJARIA CERAMICS LIMITED

..... Plaintiff

Through: Mr. J. Sai Deepak, Ms. Priya Adlakha,

Mrs. Bindra Rana, Ms. Tanvi Bhatnagar, Ms. Rima Majumdar and Ms. Shilpi Sinha, Advocates. (M:9818202368)

versus

GODADDY.COM LLC & ORS. Defendant

Through: Mr. Moazzam Khan, Ms. Shweta Sahu, Mr. Alipak Banerjee and Ms. Parva Khare, Advs. for D-1. (M:9987115749) Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam. Mr. Ashwani Kumar, Adv. for D-2. Mr. Lakshy Aggarwal, Adv. for d-4 Ms. Kirti Bhardwaj, Adv. for D-5(b). Mr. M.K. Singh, Advocate for Mr. Samir, Advocate (M-9810455716) Mr. Santosh Kr. Rout, Mr. Pawan Kumar & Mr. Abhishek Chakraborty, Advocates for D-6.

(23)

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WITH

CS (COMM) 158/2022 & I.As. 3996-97/2022, 3096/2023

MICROSOFT CORPORATION & ANR. Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.

versus

VACATION RENTAL SERVICES PRIVATE LIMITED & ORS. Defendants

Through: Mr. Mayank Mehandra, Mr. Charu Tandon & Mr. Sarthak Kapoor & Mr. Raghav Tandon, Advocate for D-1 & 2. Mr. Ramnish Khanna, Adv. for D-7. SI Manzoor Alam, Cyber Police Station, South-East.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(24)

WITH

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CS (COMM) 233/2022 & I.As. 5780-81/2022

BAJAJ FINACE LTD & ANR.

..... Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

NIKO DAS & ANR.

..... Defendants

Through: Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advocates for D-3.

Mr. Lakshy Aggarwal, Advocate for D-7.

Mr. Neel Mason, Mr. V. Dang & Ms. Aditi, Advocates for D-3. (M:9971586598)

Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(25)

WITH

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CS (COMM) 275/2022 & I.As. 6535-36/2022

HINDUSTAN UNILEVER LTD & ANR.

..... Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet

Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

UNILEVERR1.IN & ORS.

..... Defendants

Through:

Ms. Deepika Kathuria, Adv. for D-9.
Mr. S. Surender, Advocate for D-21.
Ms. Asiya Khan, Advocate for D-25
Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(26)

WITH

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CS (COMM) 364/2022 & I.As. 8518-20/2022, 12855/2022
AMAZON SELLER SERVICES PRIVATE LIMITED
& ANR.

..... Plaintiffs

Through:

Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

AMAZONBUYS.IN & ORS.

..... Defendants

Through:

Mr. G. Mirza, Mr. Vishesh Sharma, Advocates for D-4. (M:7434045442)
Mr. Sohit Choudhary, Advocate for D-5.
Ms Yukti Gupta, Advocate for HDFC Bank
Ms. Mrinal Ojha, Mr. Debarshi Dutta & Mr. Aayush Kevlani, Advocates for D-8 (M-9167094381)

Ms. Deepika Kathuria, Adv. for D-10.
Mr. Vineet Dhanda, CGSC with Mr. Abhishek Singh, Advocate for UOI/D-18 & 19.

Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(27)

WITH

+ **CS (COMM) 475/2022 & I.As. 10851-52/2022, 12173-74/2022**

FASHNEAR TECHNOLOGIES PRIVATE LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

MEESHO ONLINE SHOPPING PVT. LTD. & ANR. Defendants

Through: Mr. Neel Mason, Mr. Vihan Dang, and Ms. Aditi Umapathy, Advocate for D-6.
Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advs. for D-10.

Mr. Darpan Wadhwa, Sr. Advocate with Mr. Alipak Banerjee, Mr. Brijesh Ujjainwal & Ms. Shweta Sahu, Advocate for D-7.

Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan Siddhant and Mr. Danish Faraz Khan, Advocates for D-19 & 20. (M:9999999045)

Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs for Reliance Jio.

Ms. Hetu Arora Sethi, ASC, GNCTD

with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(28)

WITH

+ **CS (COMM) 350/2020 & I.A. 7456/2020, 9624/2020, 9629/2020, 996/2021, 9204/2022, 16148/2022**

GUJARAT COOPERATIVE MILK MARKETING FEDERATION LTD & ANR. Plaintiff

Through: Mr. Abhishek Singh and Mr. J. Amal Anand, Mr. Elvin Joshy, Ms. Alisha Sharma & Ms. Insha Mushtaq, Advocates. (M:9910291290)

versus

AMUL-FRANCHISE.IN & ORS. Defendant

Through: Mr. Anil Soni, CGSC with Mr. Rahul Mourya, Adv. for UOI. (M:9560238258)

Mr. Anurag Ahluwalia,, CGSC with Mr. Abhigyan Siddhant, G.P. and Mr. Danish Faraz Khan, Advocate for UOI. (M:9811418995)

Mr. Neel Mason, Mr. Vihan Dang, and Ms. Aditi Umapathy, Advocate

Mr. Alipak Banerjee & Ms. Shweta Sahu and Advocates for D-26. (M:9987115749)

Mr. Alipak Banerjee, Mr. Brijesh and Ms. Shweta Shahu, Advocates for D-27, 28 & 30.

Mr. Praveen Kumar Jain, and Ms. Shalini Jha, Advocates for D-37. (M:9871278525)

Mr. Ramesh Babu, Ms. Manisha Singh, Ms. Jagriti Bharti, and Ms. Tanya Chowdhary, Advocate for D-38 (M: 9971671294).

Mr. Vihan Dang and Mr. Parva Khare & Ms. Aditi Umapathy, Advs for D-52. Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(29)

WITH

+ **CS (COMM) 228/2021 & I.As. 6441/2021, 11684/2021, 1412-13/2022, 12160/2022, 12171/2022, 13443/2022, 14920/2022, 14923/2022, 17716-17/2022, 3237/2023**

BAJAJ FINANCE LIMITED

..... Plaintiff

Through: Mr. Abhishek Singh, Mr. Jamal Anand, Mr. Elvin Joshy, Ms. Insha Mushtaq Ms. Alisha Sharma & Mr. Ujjwal.

versus

**REGISTRANT OF WWW.BAJAJ-FINSERVE.ORG
& ORS.**

..... Defendants

Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehawat Alexander Mathai Paikaday, Advocates (M: 9810788606). Mr. Darpan Wadhwa, Sr. Advocate with Mr. Alipak Banerjee & Ms. Shweta Sahu and Advocates for D-6,7,11,12,14,17 and 22.

Mr. Manish Paliwal, and Ms. Himanshi Kaushik, Advocates for D-18. (M:8448257585)

Mr. Akhil Sibal, Sr. Advocate with Mr. Aditya Gupta, Ms. Aishwarya, Mr. Sauhard Alung and Ms. Asvari Jain, Advocates for D-19. (M:9910083144)

Mr. Rajshekhar Rao, Sr. Advocate with Mr. Tine Abraham, Mr. Manasa Sundaraman C., Ms. Kshipra Pyare and

Ms. Mansi Sood Trileyal, Advocates for D-28. (M:9324328752)

Mr. Ashok Kumar, Advocate for D-31. (M:9810011826).

Ms. Swati Aggarwal, Ms. Binsy Susan, Mr. Aasish Samasi and Mr. Mohit Singh, Adv. for GoDaddy.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

**CORAM:
JUSTICE PRATHIBA M. SINGH**

Prathiba M. Singh (Oral)

1. This hearing has been done through hybrid mode.
2. These matters relate to domain names being registered by unknown third parties infringing trademark right of various brand owners and implementation of court orders by the Domain Name Registrars ('DNR'). From time to time, various directions have been passed by this Court in respect of blocking and locking of the infringing domain names, and implementation of court orders by various DNRs, which may or may not be located in India.
3. Vide previous order dated 10th February, 2023, the following directions were issued:

“8. In view of the aforementioned facts which have come to light through MEITY’s status report, the submissions made before this Court from time to time and the e-mails which have been placed on record today, such as e-mails by Namecheap Inc, it is clear that stringent steps would be required to be taken, in order to curb the menace of illegal domain name registrations having well known marks and names of business

houses. It is accordingly directed that MEITY/DoT/the appropriate authority shall take steps action in accordance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 against DNRs who do not agree to comply with the said Rules or do not appoint grievance officers or implement orders of Indian Courts/Authorities.

9. Ld. Counsel for the Plaintiffs are free to communicate with the official from MEITY Mr. Pradip Verma, who shall act as the nodal officer for this purpose to coordinate with DoT and any other authorities, at the e-mail address pradip.verma@meity.in and submit their respective lists of DNRs who are stated to be not complying with the orders passed by this Court and not appointing the grievance officers.

10. It is directed that the concerned MEITY/DOT officials shall peruse the various orders which are passed in these proceedings prior to taking any action under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Steps in respect thereof, in terms of Rules be taken within four weeks. The action so taken shall be placed on record by MEITY by means of a status report by the next date of hearing.”

4. Pursuant to the above order, today, a status report dated 25th March, 2023 has been placed on record on behalf of MeitY, which has been signed by Mr. V. Chinnaswami, Scientist, MeitY. The following aspects and stand of the MeitY have been elaborated upon in the said status report:

- i. The first aspect that has been considered in the status report is in respect of action that can be taken by ICANN against the DNRs which do not give effect to orders of the court of competent jurisdiction. The status report informs the Court that MeitY had followed up with ICANN in respect of issued involving domain name infringement and non-compliance of court orders by DNRs.

By reply dated 31st January, 2023, the clarification given by the ICANN is to the following effect:

“4. That Internet Governance Division of MeitY followed up with the Internet Corporation for Assigned Names and Numbers (hereinafter referred to as 'ICANN') on the issues involving domain name infringement and non-compliance of DNRs in a related matter. ICANN, in its response placed at Annexure I, has submitted as follows. That Section 5.5.2.1.4 of the RAA (Registrar Accredited Agreement) states that ICANN may terminate a registrar's RAA where a court of competent jurisdiction determines that the registrar has failed to comply with the terms of an order issued by a court of competent jurisdiction relating to the use of domain names sponsored by the registrar. If evidence is received, ICANN Contractual Compliance would follow its established process and take enforcement action as permitted by the RAA. The RAA provides various means of redress for consideration; termination of the RAA is not the only option provided.

5. That pursuant to the process established by ICANN and as per the aforesaid response of ICANN, submissions through the ICANN Contractual Compliance Mechanism were made in the matter of Dabur India Ltd against the offending DNRs. The record of the complaint lodged against DNRs through the ICANN Contractual Compliance Mechanism is placed at Annexure II.

6. That, further, India's representative to the Government Advisory Committee of ICANN highlighted the issue of domain name

abuse and the lack of stringent verification process and reliability of available registrant data in the Domain Name Space in the "ICANN76" Meeting held from 11-16 March 2023. That in the said meeting, following proper WHOIS Accuracy to curtail the growing number of DNS Abuse related litigation was stressed upon. That the answering Respondent will continue to deliberate and take up the issues highlighted above on the ICANN and other similar internet governance forums in the future."

- ii. In respect of second aspect, i.e., global mechanism pertaining to Domain Name Dispute Resolution, the MeitY status report captures the existing UDRP and INDRP policies. In addition, it is also stated that in the US, apart from the ICANN policy on Domain Name Dispute Resolution provisions of the Anti-cybersquatting Consumer Protection Act, 1999 can also be invoked.
- iii. On the third aspect of implementation of court orders by the DNRs, the status report sets out Section 69A of the Information Technology Act, 2000, along Rules 3, 4, 6 & 10 of the IP (Blocking) Rules, 2009. On the said aspect, the conclusion of MeitY is as under:

*"22. That, it is submitted that in the present case, if any DNR repeatedly does not comply with the directions of the Hon'ble Court, the same may be construed as a violation of **public order** and considered relatable grounds for ordering the blocking of the website/URL of such non-compliant DNR by*

the competent court under section 69A of the IT Act, 2000, if the competent court so directs. However, it is respectfully submitted that such blocking may have some adverse effect on the registrations of the non-compliant DNR, details of which are provided below.”

Thus, the submission of MeitY is that if there is ‘repeated’ non-compliance of court orders by any DNR, in that case its conduct can be construed as a violation of public order and the website/URL of the non-compliant DNR itself can be blocked by the court under Section 69A of the IT Act.

- iv. On the fourth aspect of the impact of blocking websites of DNRs, which is primarily a *sequitur* of the suggestion made by MeitY on the third aspect, concern has been expressed by MeitY that various domain name registrants could be inconvenienced in accessing services of renewals, transfers, record updates, name update *etc.*, if the website/URL of Domain Name Registrars are blocked.
- v. On the fifth aspect *qua* the requirement of due diligence by intermediaries, the status report states that if due diligence is not observed by intermediaries, the safe harbour protection given to the intermediary under Section 79 of the IT Act will not be applicable.
- vi. Lastly, in respect of appointment of Grievance Officers under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code), 2021, the stand of the MeitY is as under:

“33. That IT Rules, 2021 provide a grievance redressal mechanism by the intermediary, directing intermediaries to publish on its website, mobile-based application or both, as the case may be, the name of the Grievance Officer and his contact details as well as the mechanism by which a user or a victim may make a complaint against violation of the provisions of the IT Rules 2021 or any other matter pertaining to the computer resources made available by the intermediary. However, IT Rules, 2021 does not provide any specific penalty for infringement of the same.

34. That under the afore-said IT Rules, 2021, the intermediaries are required to take stringent steps in order to avail of the safe harbour clause under section 79 of the IT Act, 2000. That in case any DNRs do not comply with the competent court's orders, the safe harbour clause provided to such DNRs under section 79 of the IT Act will not be applicable. That, however, the IT Rules 2021 does not prescribe any penalty /fine for infringing the provisions.”

5. The RBI has also placed its affidavit on record in respect of the direction passed by this Court on 10th February, 2023 to the following effect:

“18. Id. Counsel for the RBI to seek instructions as to whether the RBI can issue guidelines making it mandatory for banks to match the beneficiary's name/ name in the billing details with the account holder's name and not merely the account number, whenever banks accepts online or offline payments.”

6. The RBI's affidavit which is sworn by Mr. Ajay Abrol, Assistant General Manager, Department of Supervision (Banking), RBI states that in

view of the manner in which names of account holders can be spelt, there can be mismatch of spellings in the names and, as a result a large number of transactions could get rejected, if the matching of beneficiary name with the account number is mandated. However, the affidavit adds as under:

“6. It is further submitted that Digital Payment products provides beneficiary name verification services which the originator can use to verify the name of the account to which funds are being transferred prior to initiating transfer. At present, the facility of beneficiary name lookup at the time of origination of transaction is available for UPI. RBI is exploring the feasibility for introduction of the aforesaid facility in other payment products such as RTGS, NEFT, IMPS etc both in online and off-line i.e. at the bank branch modes, and steps would be taken by RBI after taking into account technology, data privacy and other related issues.

7. It is submitted that issuing guidelines making it mandatory for banks to match the beneficiary's name in the billing details with the account holder's name before passing on credit will make digital payments inefficient and result in a large number of returns. In view of the submissions made herein above, RBI is not in favour of issuing any guidelines making it mandatory for banks to match name before passing on credit.”

7. Insofar as the RBI is concerned, Id. Counsel Mr. Ramesh Babu shall obtain instructions as to whether there are any timelines in respect of feasibility of introduction of the facilities of beneficiary name lookup at the time of origination of transaction in case of RTGS, NEFT and IMPS, both in online and offline modes. Let an additional affidavit in respect of the said timelines be placed on record, if any.

8. Ld. counsels for the Plaintiffs have also brought to the notice of this Court the orders passed by the ld. single judges of this Court in *Star India Pvt. Ltd. v. 7MOVIERULZ.TC & Ors. CS (COMM) 604/2022* and *Star India Pvt. Ltd. & Anr. v. MHDTV.WORLD and Ors., CS (COMM) 567/2022*. In the said cases, orders were passed directing DoT and Meity to take action for non compliance of Court orders *qua* five DNRs i.e. NameCheap Inc., Dynadot, LLC, Tucows Inc., Gransy s.r.o and, Sarek Oy. Upon the orders being passed, an application is stated to have been filed by NameCheap Inc. agreeing to give effect to the court orders passed in India.

9. The issues raised by MeitY in its status report as also the issues being considered by this Court on behalf of several IP owners and DNRs, raise various questions in respect of how to give effect to orders passed by Indian Court, especially by DNRs, who specifically take a stand that they would only be bound by orders passed by the competent Courts within their own jurisdiction.

10. Considering the stand of MeitY and the provisions of the applicable laws, the counsels may make their submissions on the next date of hearing as to the manner in which final orders can be passed in these suits so as to ensure that the orders of injunction, which are passed in respect of infringing domain names are given effect to by DNRs and all other authorities, in a manner so as to ensure that more and more consumers are not misled.

11. The written submissions on behalf of the Plaintiffs shall be compiled by Mr. Siddharth Chopra, ld. Counsel for the Plaintiff and by Mr. Banerjee, ld. Counsel on behalf of the Defendants. The same shall be placed before this Court. Written submissions on behalf of the Union of India shall be filed separately by Mr. Harish Shankar, ld. CGSC.

12. List for further hearing on 26th May, 2023 at 3:00 pm.
13. List *CS (COMM) 158/2022*, before the Registrar on 27th April, 2023 to enable the re-issuance of summons to the Defendant who is located in the USA.
14. List, *CS (COMM) 276/2021 & 293/2021*, before the Registrar on 27th April, 2023.
15. These are part heard matters.

**PRATHIBA M. SINGH
JUDGE**

MARCH 27, 2023

DK/DJ

सत्यमेव जयते