

BY EMAIL & DoT website

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07/LM-25/2023-DS-II

Dated: 08.06.2023

To,

All Internet Service Licensee's

Subject: CS (comm) 420 of 2023 Asian Paints Ltd. v. Ajeet Kumar & Ors Before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated **02.06.2023** on the subject matter.

2. Please refer to the **para 31(VII)** of the said court order in respect of blocking of **06 websites** enumerated in the aforesaid para.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said website, as above, for compliance of the said court order.


Director (DS-II)

Tel: 011-2303 6860

Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- (i) V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- (ii) Lalita Sowmya Priya (Sowmya@fiduslawchambers.com) counsel for the plaintiff for kind information.
- (iii) Harish Vaidyanathan Shankar(hvscgsdhc@gmail.com), Central Govt. Standing Counsel [Delhi High Court], Senior Penal Counsel for kind information.
- (iv) IT wing of DoT for uploading on DoT websites please.

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

+ **CS(COMM) 420/2023**

ASIAN PAINTS LIMITED Plaintiff
Through: Ms. Shwetasree Majumder,
Mr.Prithvi Singh, Ms.Lalita
Sowmya Pemmaraju, Advocates.

versus

AJEET KUMAR AND OTHERS Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

% **ORDER**
02.06.2023

I.A. 11321/2023 (for Exemption)

1. Subject to the plaintiff filing original, clear and legible copies of documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

I.A. 11323/2023 (for exemption from serving advance copy of the Suit paper book to D-1 to 7)

3. The present application has been filed on behalf of the plaintiff

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seeking exemption from advance service to the defendants no.1 to 7.

4. In view of the urgent *ex parte* relief sought by the plaintiff, the application is allowed.

I.A. 11322/2023 (u/S 12A of Commercial Courts Act)

5. In view of the urgent interim relief sought, the plaintiff is granted exemption from the requirement of pre-institution mediation in terms of Section 12A of the Commercial Courts Act, 2015.

6. Accordingly, the application stands disposed of.

I.A. 11320/2023(O-XI R-1(4) of the CPC)

7. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.

8. The plaintiffs are granted thirty days' time to file additional documents.

9. Accordingly, the application is disposed of.

CS(COMM) 420/2023

10. Let the plaint be registered as a suit.

11. Issue summons.

12. Summons be issued to the defendants through all modes.

13. The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record

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14. Liberty is given to the plaintiff to file replication, if any, within fifteen days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiff.

15. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall be also filed with the pleadings.

16. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

17. List before the Joint Registrar on 5th September, 2023, for completion of service and pleadings.

18. List before this Court on 9th October, 2023.

I.A. 11319/2023 (O-XXXIX R-1 & 2 of CPC)

19. The present suit has been filed seeking reliefs of permanent injunction restraining the defendants no.1 to 7 from infringing the trademarks of the plaintiff, passing off their services as that of the plaintiff, and other ancillary reliefs.

20. The plaintiff is a multinational paint company founded in the year 1942. The plaintiff is engaged in the business of manufacturing, selling and distribution of paints, coatings, home décor products, bath fittings, lights, furnishings and furniture. The plaintiff claims to be using the trademark 'ASIAN PAINTS' since 1952 in respect of its products. The plaintiff is the registered proprietor of the mark 'ASIAN PAINTS' and its formative device

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marks in various classes. Details of the said marks are provided in paragraph 13 of the plaint. The plaintiff is also the registrant of the domain 'www.asianpaints.com' since 1997. The mark 'ASIAN PAINTS' has also been declared a well-known trademark by the Trade Mark Registry under Section 2(1)(zg) of the Trade Marks Act, 1999.

21. Counsel for the plaintiff submits that the defendants no. 1 to 6 are duping unwary persons into believing that the defendants no.1 to 6 are the representatives of the plaintiff. The said defendants are offering fake Asian Paints dealerships on behalf of the plaintiff. The unwary persons, who are aware of the plaintiff and its reputation under the 'ASIAN PAINTS' trademark end up paying huge sums of money to the defendants no.1 to 7 under the bona-fide belief that upon making payments, the said persons will become official dealers of the plaintiff. Some of these persons have been issued forged certificates on behalf of the defendants no.1 to 7 upon making such payments. It was only when the said persons contacted the plaintiff, did they discover that they had been defrauded by the defendants no.1 to 7.

22. As an illustrative example of the *modus operandi* of the contesting defendants, the plaintiff relies on paragraph 18 of the plaint as set out below:

“18.1 The person was contacted by the Defendant No. 1, Ajeet Kumar, from his mobile No. +91 8961676785 (and landline No. +91 120 6914306) and claimed to be from Head of Department, Dealership of the Plaintiff company.

18.2 The Defendant No. 1 directed the person's attention to the website 'paintdealership.com' and asked the person to apply for a dealership from the said website. Upon applying from the aforesaid website, the person received a confirmation from the Defendant No. 1. It is pertinent to note that presently, the website 'www.paintdealership.com'

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is no longer active and the WHOIS records reflect that the domain 'paintdealership.com' is available for sale.

18.3 The Defendant No. 1 then asked the person to deposit a sum of INR 24,999 as dealership registration and INR 2,00,000 as a security amount. Upon making these payments, the person received forged/ fabricated dealership certificate and confirmation email.

18.4 The Defendant No. 1 then asked the person to deposit a sum of INR 5,00,000 for "stock purchase", which payment was made by the person.

18.5 The Defendant No. 1 then "forced" the person to deposit a sum of INR 2,91,400 for "paint mixer machine".

18.6 The Defendant No. 1 then "forced" the person to deposit a sum of INR 3,50,000 for "license fee for chemical certificate from ministry of chemical".

18.7 Thereafter, the Defendant No. 1 again contacted the person for payment of additional sum for insurance and "other license fee". The Defendant No. 1 has not only duped the person but continues to harass him for payment of additional money."

23. The aforesaid paragraph outlines one such fraudulent act of the defendant no.1, wherein one Mr. Gopal Aggarwal was defrauded of a large sum of money, in respect of which, he had filed a complaint with the SHO, Model Town, Delhi. Attention of the Court has also been drawn to the complaint filed at page 311 of the plaintiff's documents.

24. Counsel for the plaintiff has also drawn attention of the Court to paragraphs 22 to 36 of the plaint as also Documents A and B filed as annexures with the plaint, which list out the particulars of the various fraudulent acts perpetrated by the defendants no. 1 to 6, with reference to the

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domains used, the telephone numbers from which calls were made and the bank accounts to which monies were deposited.

25. Counsel for the plaintiff submits that the defendant no. 7 has been impleaded as a John Doe defendant to account for all unknown perpetrators, who are involved in the aforesaid fraudulent activities concerning the plaintiff. The defendants no. 8 to 11 are the registrars of the impugned domain names, the defendants no. 12 to 22 are the banks in which the defendants no.1 to 6 appear to hold bank accounts, the defendants no. 23 and 24 are MeitY and Department of Telecommunications (DoT), the defendant no. 25 is Telecom Regulatory Authority of India (TRAI) and the defendants no. 26 to 30 are telecom service providers.

26. Issue notice.

27. Notice be issued to the defendants through all modes.

28. Reply(ies) be filed within four weeks.

29. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

30. In my view, the plaintiff has established a prima facie case in its favour. The defendants no.1 to 6 are defrauding the public by deceiving them into believing that they are associated with the plaintiff and authorized to grant dealerships on behalf of the plaintiff. Balance of convenience is in favour of the plaintiff. Irreparable harm would be caused not only to the plaintiff but also to the public if an *ex parte* ad interim injunction as prayed is not granted in favour of the plaintiff.

31. Consequently, an *ex parte* ad interim injunction order is passed in the following terms:

- I. The defendants no. 1 to 7, their employees, servants, agents, representatives and all others in active concert or participation with

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them are restrained from using, in any form or manner, the plaintiff's ASIAN PAINTS trade marks or any other deceptively similar mark either on their websites or in any other manner.

- II. The defendant no. 8 is directed to suspend access, maintain status quo as to the ownership of the domains, and provide full name, address and registrant account details for the domains 'asianpaintsdealership.in', 'paintsdealership.com' and 'asianpaints.co', within two weeks from today.
- III. The defendant no. 9 is directed to suspend access, maintain status quo as to the ownership of the domain, and provide full name, address and registrant account details for the domain, 'asianpaints.in', within two weeks from today.
- IV. The defendant no. 10 is directed to suspend access, maintain status quo as to the ownership of the domain, and provide full name, address and registrant account details for the domain, 'asianpaintsdealerships.com', within two weeks from today.
- V. The defendant no. 11 is directed to suspend access, maintain status quo as to the ownership of the domain, and provide full name, address and registrant account details for the domain, 'asianpaintsfranchisee.com', within two weeks from today.
- VI. The defendants no. 12 to 22 are directed to disclose the KYC details of the following bank accounts and forthwith freeze the aforesaid accounts as listed in the table below:

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| Defendant Bank No. | Defendant Bank Name | Bank Accounts details |
|---------------------------|----------------------------|---|
| 12 | Federal Bank | 19220100060113 |
| 12 | Federal Bank | 55550111749279 |
| 12 | Federal Bank | 55550111757926 |
| 12 | Federal Bank | 12200100152935 |
| 13 | Canara Bank | 315101027207 |
| 13 | Canara Bank | 110027815000 |
| 13 | Canara Bank | 0236101057824 |
| 14 | Yes Bank | 069452000001761 |
| 15 | Utkarsh Small Finance Bank | 1595010000000006 |
| 16 | Indian bank | 7157050429 |
| 17 | IndusInd Bank | 157870280093 |
| 18 | ICICI Bank | 247601000999 |
| 19 | Punjab National Bank | 9931001000 03381 |
| 19 | Punjab National Bank | 8805000100017057 |
| 19 | Punjab National Bank | 3046000103086070 |
| 20 | Kotak Mahindra Bank | 7746354008 |
| 20 | Kotak Mahindra Bank | 7546530558 |
| 21 | IDBI Bank | 1998104000053525 (Money Not Transferred, Sl. No. 19) |
| 22 | Central bank of India | 5147162016 |

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Central bank of India

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- VII. The defendant no. 23 to 24 are directed to issue a notification to all ISPs to suspend access to the domains asianpaintsdealership.in, paintsdealership.com, asianpaints.co, asianpaints.in, asianpaintsdealerships.com and asianpaintsfranchisee.com, within three weeks from today.
- VIII. The defendant no. 25 is directed to issue a notification for the suspension/ temporary blocking of the phone numbers ‘+91 8276830105; +91 8334974257; +91 7044426299, +91 7872714487, +91 8777650885; +91 8961676785; +91 8961628487; + 91 9769220946; +91 120 6914306; 18001204944; +91 8478827013; +91 9903084193; +91 8513945036; +91 9867624377; +91 9833285882; +91 8017473823; +917208204223; +91 8961628525; +91 8420186878; +91 120 4882200 and; +91 120 6914306’, within two weeks from today.
- IX. The defendant no. 26 to 30 are directed to disclose the KYC details of the registrants under whose names the phone numbers, ‘+91 8276830105; +91 8334974257; +91 7044426299, +91 7872714487, +91 8777650885; +91 8961676785; +91 8961628487; + 91 9769220946; +91 120 6914306; 18001204944; +91 8478827013; +91 9903084193; +91 8513945036; +91 9867624377; +91 9833285882; +91 8017473823; +917208204223; +91 8961628525; +91 8420186878; +91 120 4882200 and +91 120 6914306’ are registered, within two weeks from today.
32. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be done within fifteen days.
33. List before the Joint Registrar on 5th September, 2023, for completion

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of service and pleadings.

34. List before this Court on 9th October, 2023.

JUNE 2, 2023

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AMIT BANSAL, J.

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(Ordinary Commercial Jurisdiction)
CS (COMM) No. of 2023
Code No. 36017

MEMO OF PARTIES

IN THE MATTER OF:

ASIAN PAINTS LIMITED
ASIAN PAINTS HOUSE
6A, SHANTINAGAR, SANTACRUZ (E),
MUMBAI - 400 055, INDIA
Email: litigation@fiduslawchambers.com

...PLAINTIFF

Versus

AJEET KUMAR
(ASSOCIATED WITH THE WEBSITES
www.asianpaintsdealerships.com; www.asianpaintsdealership.in And
www.paintdealership.com)
Emails: process@asianpaintsdealership.in;
info@asianpaintdealership.com;
dealership@asianpaintsdealerships.co; asian@asinapaintsdealership.in
MOB. NOS.: +91 8276830105; +91 8334974257; +91 7044426299,
+91 7872714487, +91 8777650885; +91 8961676785; +91
8961628487 AND + 91 9769220946
LANDLINE: +91 120 6914306
TOLL NO.: 18001204944

... DEFENDANT NO. 1

HARISHCHANDRA GADE
(*ALIAS* ABHISHEK)
(ASSOCIATED WITH THE WEBSITES www.paintsdealership.com;
www.asianpaints.co)
EMAILS: asian@paintsdealership.com;
process@asianpaintsdealership.in; dealership@asianpaints.co
MOB. NO.: +91 8478827013; +91 9903084193

... DEFENDANT NO. 2

BHAUTIK GOUSWAMI
OWNER OF www.asianpaints.in
EMAIL: support@asianpaints.in
MOB. NO.: +91 8513945036

... DEFENDANT NO. 3

RAJ KUMAR MEHTA
(*ALIAS* RAJ KUMAR MITTAL)

(ASSOCIATED WITH THE WEBSITE

www.asianpaintsfranchisee.com)

EMAIL: info@asianpaintsfranchisee.com

MOB. NO.: +91 9867624377; +91 9833285882

... DEFENDANT NO. 4

ANIL

(ASSOCIATED WITH THE WEBSITE

www.asianpaintsdealerships.com)

EMAIL: Dealership@asianpaintsdealerships.com

MOB. NO.: +91 8017473823

... DEFENDANT NO. 5

RUPA BHARTI

D-305, SHANTI NIWAS,

JOSHI LN PANT NAGAR, GHATKOPAR (EAST)

MUMBAI - 400077

MOB. NO.: +917208204223

... DEFENDANT NO. 6

JOHN DOE

(OPERATORS/ USERS OF THE MOB. NOS.: +91 8961628525; +91 8420186878; +91 120 4882200; +91 120 6914306)

... DEFENDANT NO. 7

GODADDY.COM LLC

14455 NORTH HAYDEN ROAD

SUITE 219

SCOTTSDALE, ARIZONA 85260

UNITED STATES OF AMERICA

EMAIL: grievanceofficer@godaddy.com

ALSO AT:

GODADDY INDIA WEB SERVICES PRIVATE LIMITED

FIRST FLOOR, 01A167, WEWORK BRISTOL CHOWK,

PLATINA TOWER, MG ROAD,

SECTOR-28, GURGAON,

HARYANA – 122002

EMAIL: grievanceofficer@godaddy.com

... DEFENDANT NO. 8

ENDURANCE DOMAINS TECHNOLOGY LLP

UNIT NO. 501, 5TH FLOOR & UNIT IT BUILDING NO. 3

NESCO IT PARK, NESCO COMPLEX

WESTERN EXPRESS HIGHWAY, GOREGAON (EAST)

MUMBAI, MAHARASHTRA 400063, INDIA

EMAIL: compliance@edtpl.in

grievance-officer@publicdomainregistry.com

| | |
|---|----------------------|
| abuse@publicdomainregistry.com | ... DEFENDANT NO. 9 |
| GNAME 019 INC GNAME.COM PTE. LTD. Email: complaint@gname.com | ... DEFENDANT NO. 10 |
| TOP LEVEL DOMAINS LLC Email: domain.operations@web.com | ... DEFENDANT NO. 11 |
| FEDERAL BANK FEDERAL TOWERS, P B NO. 103, ERNAKULAM, KERALA 683101 Email: secretarial@federalbank.co.in contact@federalbank.co.in | ... DEFENDANT NO. 12 |
| CANARA BANK HEAD OFFICE NO.112 J C ROAD BENGALURU - 560 002 PHONE: 080 - 22100250 E-mail: hosecretarial@canarabank.com | ... DEFENDANT NO. 13 |
| YES BANK YES BANK HOUSE, OFF WESTERN EXPRESS HIGHWAY, SANTACRUZ (EAST), MUMBAI - 400055 Email: yestouch@yesbank.in | ... DEFENDANT NO. 14 |
| UTKARSH SMALL FINANCE BANK UTKARSH TOWER, NH-31(AIRPORT ROAD), SEHMALPUR, KAZI SARAI, HARHUA, VARANASI, 221105, UTTAR PRADESH Email: communications@utkarsh.bank | ... DEFENDANT NO. 15 |
| INDIAN BANK PB NO: 5555, 254-260, AVVAI SHANMUGAM SALAI, ROYAPETTAH, CHENNAI – 600 014 Email: holegal@indianbank.co.in | ... DEFENDANT NO. 16 |
| INDUSIND BANK INDUSIND BANK LIMITED, 2401 GEN. THIMMAYYA ROAD (CANTONMENT), | |

PUNE-411 001

Email: headconsumer@indusind.com
headoperations@indusind.com
reachus@indusind.com
customercare@indusind.com

... DEFENDANT NO. 17

ICICI BANK

ICICI BANK TOWER,
 NEAR CHAKLI CIRCLE,
 OLD PADRA ROAD,
 VADODARA 390007, GUJARAT, INDIA.

Email: headservicequality@icicibank.com ... DEFENDANT NO. 18

PUNJAB NATIONAL BANK
 HEAD OFFICE, PLOT NO. 4,
 SECTOR 10, DWARKA
 NEW DELHI-110075

Email: bo1988@pnb.co.in

... DEFENDANT NO. 19

KOTAK MAHINDRA BANK
 27 BKC, C 27, G BLOCK,
 BANDRA KURLA COMPLEX,
 BANDRA (E), MUMBAI - 400051

Email: itsecurity.bank@kotak.com
customerfirst@kotak.com

...DEFENDANT NO. 20

IDBI BANK LTD.

IDBI TOWER, WTC COMPLEX,
 CUFFE PARADE, COLABA, MUMBAI 400005

Email: customercare@idbi.co.in

...DEFENDANT NO. 21

CENTRAL BANK OF INDIA
 CHANDER MUKHI, NARIMAN POINT
 MUMBAI – 400 021

Email: zmmmzo@centralbank.co.in

...DEFENDANT NO.22

MINISTRY OF ELECTRONICS AND INFORMATION
 TECHNOLOGY

THROUGH THE DIRECTOR GENERAL (DIT) CYBER LAWS
 ELECTRONICS NIKETAN, 6-CGO COMPLEX,
 LODHI ROAD, NEW DELHI-110003

E-mail: cyberlaw@meity.gov.in;

gccyberlaws@meity.gov.in;

pkumar@meity.gov.in; uoidhc@gmail.com ... DEFENDANT NO. 23

DEPARTMENT OF TELECOMMUNICATIONS
THROUGH ITS SECRETARY,
MINISTRY OF COMMUNICATIONS AND IT,
20, SANCHAR BHAWAN, ASHOKA ROAD,
NEW DELHI-110001,

E-mail: secy-dot@nic.in; dirds2-dot@nic.in; uoidhc@gmail.com

...DEFENDANT NO. 24

TELECOM REGULATORY AUTHORITY OF INDIA
MAHANAGAR DOORSANCHAR BHAWAN (NEXT TO ZAKIR
HUSSAIN COLLEGE)
JAWAHARLAL NEHRU MARG (OLD MINTO ROAD)
NEW DELHI: 110 002

E-mail ID : ap@traai.gov.in
daca@traai.gov.in

... DEFENDANT NO. 25

BHARAT SANCHAR NIGAM LTD.
BHARAT SANCHAR BHAWAN, REGULATION CELL
5TH FLOOR, HARISH CHANDRA MATHUR LANE
JANPATH, NEW DELHI -110001

E-mail: ddg_reg@bsnl.co.in;
sbkhare@bsnl.co.in

...DEFENDANT NO. 26

BHARTI AIRTEL LTD.
AIRTEL CENTRE, TOWER-A, 6TH FLOOR
'A' WING, PLOT NO. L6, UDYOG VIHAR
PH- IV, GURGAON- 122016

E-mail: amit.bhatia@airtel.com

... DEFENDANT NO. 27

MAHANAGAR TELEPHONE NIGAM LTD.
5TH FLOOR, MAHANAGAR DOORSANCHAR SADAN
9, CGO COMPLEX, LODHI ROAD
NEW DELHI – 110003

E-mail: raco.mtnl@gmail.com
mtnlcsco@gmail.com
gmracomtnl@gmail.com

... DEFENDANT NO. 28

RELIANCE JIO INFOCOMM LIMITED
RCP 14 (TC 23), PHASE 4,
B-BLOCK, 3RD FLOOR,
C 4 130 THANE- BELAPUR ROAD,
GANSOLI, NAVI MUMBAI- 400701

E-mail: care@jio.com
Hitesh.marthak@relianceada.com
Kapoor.guliani@ril.com

mahipal.singh@ril.com
sunil.kr.gupta@ril.com
shilpi.kant@ril.com
jyoti.jain@ril.com

... DEFENDANT NO. 29

VODAFONE IDEA LIMITED
VODAFONE HOUSE
PENINSULA CORPORATE PARK
GANPATRAO KADAM MARG,
LOWER PAREL, MUMBAI- 400 013 INDIA
E-mail: florencia.depores@vodafoneidea.com

raaj.goyel@vodafoneidea.com


smitha.menon@vodafoneidea.com

radhika.gokhale@vodafoneidea.com

pankaj.kapdeo@vodafoneidea.com

arun.madhav@vodafoneidea.com

... DEFENDANT NO. 30


Prithvi Singh / Sowmya Lalita Priya P.
Fidus Law Chambers
Advocates for the Plaintiff
F – 12, Ground Floor,
Sector – 8, Noida – 201301
Mob. No.: +91 – 9911167179
litigation@fiduslawchambers.com

Place: New Delhi
Date: 30th May 2023

**DEFENDANT NO. 1 TO 7 ARE THE
CONTESTING DEFENDANTS IN THE PRESENT SUIT..
PHYSICAL ADDRESS OF DEFENDANT NO. 1 TO 7 ARE NOT
AVAILABLE.**