

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-32/2022-DS-II

Dated:06.07.2023

To,

All Internet Service Licensees'

Subject: CS (Comm) No. 303 of 2022; Burger King Corporation & Swapnil Patil & Ors.  
Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated **21.06.2023** in the subject matter for compliance in respect of blocking of following **one (01) website** mentioned in **para 7 (iii)** of the said court order:

(i) [www.burgerkingfranchise.in](http://www.burgerkingfranchise.in)

2. Accordingly, in view of the above, all the Internet Service licensees are hereby notified to take immediate necessary blocking action for compliance of the court order dated 21.06.2023 with respect to **one (01) website** mentioned in **para 7(iii)** of the court order.

  
Director (DS-II)

Tel: 011-2303 6860

Email: [dirds2-dot@nic.in](mailto:dirds2-dot@nic.in)

Encl: A/A

Copy to:

- (i) Sh. V.Chinnasamy, Scientist E ([chinnasamy.v@meity.gov.in](mailto:chinnasamy.v@meity.gov.in)), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- (ii) Mr. Harish Vaidyanathan Shankar, learned Central Government Standing Counsel for kind information along with technical limitation in blocking at ISPs.
- (iii) Sh. Mukul Kochhar, Attorney, Ira Law counsel for the plaintiff ([mukul@ira.law](mailto:mukul@ira.law)) for kind information along with technical limitation in blocking at ISPs.
- (iv) IT wing of DoT for uploading on DoT website.

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 303/2022**  
BURGER KING CORPORATION ..... Plaintiff

Through: Mr. Raunaq Kamath, Adv.

versus

SWAPNIL PATIL & ORS. .... Defendants

Through: Mr. Harish Vaidyanathan Shankar  
CGSC with Mr. Srish Kumar Mishra  
and Alexander Mathai Paikaday,  
Adv. for D-7 & 8.

Mr. Parva Khare, Adv. for D-16

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

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**21.06.2023**

[Physical Hearing/Hybrid Hearing (as per request)]

**IA 11597/2023**[Application Under Order XXXIX Rules 1 & 2 Read With  
**Section 151 CPC]**

1. This is an Application filed on behalf of the Plaintiff *inter-alia* seeking following reliefs:

*“a. An order directing for suspension of the domain name www.burgerking-franchise.in by Defendant No. 1 (Swapnil Patil), Defendant No. 2 (Vinay Nayak), Defendant No. 3 (Sushil Jadhav), Defendant No. 12 (John Doe Defendant) and Defendant No. 16 (GoDaddy.com, LLC)/ the respective domain name registrar, as the case may be.*

*b. An order directing for suspension of the email address info@burgerking-franchise.in by Defendant No. 1 (Swapnil Patil), Defendant No. 2 (Vinay Nayak), Defendant No. 3 (Sushil Jadhav), Defendant No. 12 (John Doe Defendant) and Defendant No. 16 (GoDaddy.com, LLC)/ the respective domain name registrar, as the case may be.*

c. An order directing Defendant No. 16 (GoDaddy.com, LLC) to disclose on affidavit the identity of the registrant of the domain name *www.burgerking-franchise.in* along with all associated WHOIS details of the said domain name.

d. An *ex parte ad interim* order in terms of prayers (a), (b) and (c) ;”

2. Learned Counsel appearing on behalf of the Plaintiff submits that despite repeated injunction orders passed by this Court, the contesting Defendants are continuing their activities in violation of the orders passed.

2.1 Learned Counsel for the Plaintiff further submits that similar orders have been passed by this Court in the present case and seeks to rely upon order dated 19.04.2023 passed by this Court.

3. Issue Notice.

4. Let a Reply be filed within one week.

4.1 Rejoinder, if any, be filed within three days thereafter.

5. Mr. Parva Khare, learned Counsel who appears on behalf of the Defendant No. 16 accepts Notice and submits that he has no objection if the prayer clause ‘a’ above is allowed.

5.1 With respect to clause ‘c’ of the present Application concerns, Mr. Khare submits that he will disclose in an Affidavit, the identity of the registrant of the domain name along with the associated registrant and payment details, as are available with him.

5.2 So far as prayer concerns clause ‘b’ of the present Application, Mr. Khare seeks time to submit a Reply *qua* the same.

6. Based on the averments in the plaint and submissions made on behalf of the Plaintiff, a *prima facie* case has been made out on behalf of the Plaintiff. Balance of convenience is also in favour of the Plaintiff and against the Defendants. 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.

7. Consequently, till the next date of hearing, the following directions are passed:

(i) Defendant Nos. 1, 2, 3 and 12 are restrained from using the domain name www.burgerking-franchise.in and email address info@burgerking-franchise.in.

(ii) Defendant No.16 is directed to suspend the domain name www.burgerking-franchise.in within one week from today and shall disclose in an affidavit the identity of the registrant of the domain name www.burgerking-franchise.in along with associated registrant payment details/WHOIS details of the said domain name as are available with him.

(iii) Defendant No. 6 and 7 are directed to issue directions to all ISPs to block the website(s) available at the domain name www.burgerking-franchise.in so that the same is not accessible within one week from today and shall file an affidavit of compliance within ten days.

8. Compliance with the provisions of Order XXXIX Rule 3 of the CPC be done within five days from today.

9. List the matter before the Roster Bench on 07.07.2023.

**TARA VITASTA GANJU, J**  
**(VACATION JUDGE**

**JUNE 21, 2023/r**

*Click here to check corrigendum, if any*

CS(COMM) 303/2022

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IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

*Original Commercial Civil Jurisdiction*

CS (Comm) No. \_\_\_\_ of 2022

Burger King Corporation ... Plaintiff

Versus

Swapnil Patil & Ors. ... Defendants

MEMO OF PARTIES

**Burger King Corporation**

5505, Blue Lagoon Drive,

Miami, Florida 33126

United States of America

Email: [office@ira.law](mailto:office@ira.law)

... Plaintiff

Versus

**1. Swapnil Patil**

Email: [info@burgerkingfranchises.co.in](mailto:info@burgerkingfranchises.co.in)

[support@burgerkingfranchises.co.in](mailto:support@burgerkingfranchises.co.in);

[franchise@burgerkingfranchises.co.in](mailto:franchise@burgerkingfranchises.co.in)

[info@burgerkingfranchise.co.in](mailto:info@burgerkingfranchise.co.in)

Phone: +91 7709155644

... Defendant No. 1

**2. Vinay Nayak**

Email: [info@burgerkingfranchises.co.in](mailto:info@burgerkingfranchises.co.in);

[support@burgerkingfranchises.co.in](mailto:support@burgerkingfranchises.co.in);

[franchise@burgerkingfranchises.co.in](mailto:franchise@burgerkingfranchises.co.in)

[info@burgerkingfranchise.co.in](mailto:info@burgerkingfranchise.co.in)

Phone: +91 7291823890

... Defendant No. 2

**3. Shushil Jadhav**

Email: [info@burgerkingfranchises.in](mailto:info@burgerkingfranchises.in)

Phone: +91 9819100695

... Defendant No. 3

**4. Namecheap, Inc.**

4600, East Washington Street,

Suite 305, Phoenix,

Arizona - 85034

United States of America  
Email: [legal@namecheap.com](mailto:legal@namecheap.com) ... Defendant No. 4

**5. Dreamscape Networks International Pte Ltd**

3 Irving Road #09-01  
Singapore 369522  
Email: [info@dreamscapenetworks.com](mailto:info@dreamscapenetworks.com) ... Defendant No. 5

**6. National Internet Exchange of India**

9<sup>th</sup> Floor, B-Wing,  
Statesman House, 148,  
Barakhamba Road,  
New Delhi – 110001  
Email: [info@nixi.in](mailto:info@nixi.in) ... Defendant No. 6

**7. Ministry of Communications**

Department of Telecommunications  
Sanchar Bhawan, 20 Ashoka Road  
New Delhi – 110001  
Email: [Dysecyvig.hq-dot@nic.in](mailto:Dysecyvig.hq-dot@nic.in) ... Defendant No. 7

**8. Ministry of Electronics & Information Technology**

Electronics Niketan, 6,  
CGO Complex, Lodhi Road  
New Delhi – 110003  
Email: [s.chaudhary@gov.in](mailto:s.chaudhary@gov.in) ... Defendant No. 8

**9. Bank of India**


Star House, C-5, “G” Block,  
Bandra Kurla Complex,  
Bandra (East), Mumbai - 400051  
Email: [manasi.phene@bankofindia.co.in](mailto:manasi.phene@bankofindia.co.in) ... Defendant No. 9

**10. Federal Bank Limited**

Federal Towers,  
Aluva – 683101  
Kerala  
Email: [alwy@federalbank.co.in](mailto:alwy@federalbank.co.in) ... Defendant No. 10

- 11. Punjab National Bank**  
Plot No. 4, Sector – 10,  
Dwarka, New Delhi – 110075  
Email: [care@pnb.co.in](mailto:care@pnb.co.in) ... Defendant No. 11
- 12. UCO Bank**  
UCO Bank Head Office  
10, BTM Sarani, Kolkata  
West Bengal – 700001S  
Email: [hopgr.calcutta@ucobank.co.in](mailto:hopgr.calcutta@ucobank.co.in)  
[customercare.calcutta@ucobank.co.in](mailto:customercare.calcutta@ucobank.co.in) ... Defendant No. 12
- 13. Bharti Airtel Limited**  
Airtel Center,  
Plot No. 16, Udyog Vihar,  
Phase – IV, Gurgaon,  
Haryana – 122001  
Email: [compliance.officer@bharti.in](mailto:compliance.officer@bharti.in)  
... Defendant No. 13
- 14. Vodafone Idea Limited**  
10<sup>th</sup> Floor,  
Birla Centurion, Century Mills Compound,  
Pandurang Budhkar Marg,  
Worli, Mumbai – 400030  
Email: [Pankaj.kapdeo@vodafoneidea.com](mailto:Pankaj.kapdeo@vodafoneidea.com)  
... Defendant No. 14
- 15. John Doe** ... Defendant No. 15

New Delhi  
Dated: May 07, 2022

  
Aditya Gupta | Mukul Kochhar  
D/2700/2010 | D/3649/2018  
Ira Law  
Advocates for the Plaintiff  
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