

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-27/2022-DS-II

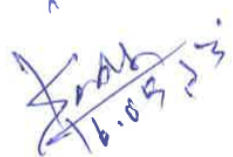
Dated:16.05.2023

To,
All Internet Service Licensees'

Subject: CS Comm No. 447 of 2022; Havells India Ltd. & Anr V/s Ashok Kumar/John Doe & Ors. before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High court order dated **08.05.2023** on the subject matter.

2. Please refer to the **para 8(ii)** of the said court order in respect of blocking of **two (02) websites** enumerated in **para 2** of the court order.
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) Sh. 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) Mr. Rakesh kumar (rakeshkumarcgsc@gmail.com), learned Central Government Standing Counsel for kind information.
- (iii) Sh. Anjalika Arora, counsel for the plaintiff (anjalika@singhandsingh.com) for kind information along with technical limitation in blocking at ISPs.
- (iv) IT wing of DoT for uploading on DoT website.

SINGH & SINGH LAW FIRM LLP

BY SPEED POST/ COURIER/ HAND/ E-MAIL

11th May 2023

To,

1. **GoDaddy.com, LLC,**

2155 Easy GoDaddy Way,
Tempe, AZ 85284,
United States of America
Email: HQ@godaddy.com
Ph: 040-67607600
No.3

...Defendant

2. **Department of Telecommunication**

Through Secretary, Ministry of Communications and
IT,
20, Sanchar Bhawan Ashoka Road,
New Delhi – 110001
Email: secy-dot@nic.in, dirds2-dot@nic.in

...Defendant No.11

3. **Ministry of Electronics and Information Technology**

Through the Director General (DIT) Cyber Laws & E-
Security,
Electronics Niketan, 6, CGO Complex,
Lodi Road, New Delhi- 110003
Email IDs: cyberlaw@meity.gov.in,
gccyberlaws@meity.gov.in pkumar@meity.gov.in,
sathya.s@meity.gov.in. pkumar@meity.gov.in

...Defendant No.12

4. **Canara Bank**

No.38, Ansal Towers,
Nehru Place, Delhi- 110019
Email: vigilancewing@canarabank.com
Ph: 080-22127266

...Defendant No.16

5. **Bharti Airtel Ltd.**

Airtel Centre, Tower-A,
6th Floor, 'A' Wing, Plot No. 16
Udyog Vihar, Phase-IV,
Gurgaon, Haryana- 122016
Email: amit.bhatia@airtel.com
Ph: 9810879712

...Defendant No.17

6. Vodafone Idea Limited

House, Peninsula Corporate Park,
Ganpatrao Kadam Marg, Lower Parel,
Mumbai- 400 013 India

Also at:

Birla Centurion, 10th Floor,
Lot No. 784, B Wing,
Pandurang Budhkar Marg, Worli,
Mumbai – 400030, India

Email: smitha.menon@vodafoneidea.com;

pankaj.kapdeo@vodafoneidea.com; and

radhika.gokhale@vodafoneidea.com

Ph: 0959404000

...Defendant No. 18

Re: In the matter of CS(COMM) 447/2022 titled “Havells India Ltd. & Anr. Vs. Ashok Kumar/ John Doe & Ors.” before the Hon’ble High Court of Delhi.

1. We write on behalf of Our Client Havells India Ltd. who has filed the aforementioned suit against you before the Hon’ble High Court of Delhi, seeking appropriate directions/orders of injunction and damages. You, the addressees have already been served with the summons issued by the Hon’ble Court in the main suit, way back on 09.07.2022.
2. That upon listing of the suit on 08.05.2023, pursuant to the filing of a fresh application by Our Client under Order XXXIX Rule 1 & 2 CPC 1908, the Hon’ble High Court was pleased to pass the following directions:

- 1) Defendant No.3 – GoDaddy.com shall suspend the website <http://www.havellsdealership.co.in/> forthwith and is further restrained from transferring the said domain name;
- 2) Defendant No. 11 (Department of Telecommunication) and Defendant No.12 (Ministry of Electronics and Technology) shall issue directions to all the Internet Service Providers to block access to the fraudulent websites viz. <http://www.havellsdealership.co.in/> and www.havells.store”
- 3) Defendant No. 16 – Canara Bank shall freeze the Bank Account bearing the below mentioned details:

“Account Holder: HAVELLS
Account Number: 110112575912
Bank Name: Canara Bank
IFSC Code: CNRB0019038
Branch: Delhi KG Marg, Curzon Road”



- 4) Defendant No. 17 (Bharti Airtel Ltd) and Defendant No. 18 (Vodafone Idea Ltd.) shall file an affidavit disclosing complete KYC details of the phone numbers +918919246770 and +919065810422.

The operative part of the order dated 08.05.2023 is reproduced herein below:

“.....

7. *Having heard counsel for parties, the Court is satisfied that Plaintiffs have made out a prima facie case for the grant of ex-parte injunction and the balance of convenience lies in favour of the Plaintiffs. Plaintiffs will suffer an irreparable loss in case the ex-parte injunction granted by this Court is not extended to the Fraudulent Websites. The loss to the public is also incalculable.*
8. *Accordingly, following directions are passed in order to curb any malpractice and monetary harm to the Plaintiffs and the public, as also to the franchisees and distributors who may pay monies to the Fraudulent Websites:*
- (i) *Ad interim ex-parte injunction granted vide dated 06th July, 2022 is CS(COMM) 447/2022 Page 4 of 4 hereby extended to the Fraudulent Websites and Defendant No. 3 is directed to immediately suspend the domain name www.havellsdealership.co.in. Status quo shall also be maintained in respect of the said domain name and the same shall be locked with immediate effect. Defendant No. 3 is restrained from transferring the said domain names or creating any third party interest on the same.*
- (ii) *Defendants No. 11 and 12 are directed to issue directions to all Internet Service Providers to block access to the Fraudulent Websites.*
- (iii) *Bharti Airtel Ltd. (Defendant No. 17) and Vodafone Idea Limited (Defendant No. 18) are directed to file an affidavit disclosing complete KYC details of phone numbers mentioned in the Prayer E of the present application, in a sealed cover, before the next date of hearing.*




(iv) *Canara Bank (Defendant No. 16) is directed to freeze the bank account, details of which are mentioned in Paragraph 8 of the present application."*

In view of the above, kindly note that upon receipt of this notice, if the fraudulent websites viz. <http://www.havellsdealership.co.in/> and www.havells.store are continuing to be active and accessible, the same will amount to breach of the aforesaid order and you may be held liable for Contempt of Court.

In compliance with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, we are enclosing along with this letter, the aforementioned order dated 08.05.2023 passed by the Hon'ble Court.

Kindly note that the next date of hearing in the matter is on 05.07.2023 before the Ld. Joint Registrar at the Hon'ble High Court of Delhi.

Yours faithfully,


Sudeep Chatterjee
Singh & Singh Law Firm LLP
Counsel for the Plaintiffs

Encl.

1. Order dated 08.05.2023 passed by this Hon'ble Court.

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

+ CS(COMM) 447/2022

HAVELLS INDIA LTD & ANR.

..... Plaintiffs

Through: Mr. Sudeep Chatterjee, Mr. Kunal Vats and Ms. Anjalika Arora, Advocates.

versus

ASHOK KUMAR/ JOHN DOE & ORS.

..... Defendants

Through: Ms. Shweta Sahu, Mr. Parva Khare and Mr. Brijesh Ujjainwal, Advocates for D-3 & 8.

Mr. Rahul Bajaj, Advocate for D-4.

Mr. Neel Mason, Mr. Vihan Dang, Ms. Aditi Umopathy and Ms. Pragya Jain, Advocates for D-10.

Mr. Praveen Kumar Jain and Ms Shalini Jha, Advocates for D-13.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.05.2023

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I.A. 8774/2023 (under Order XXXIX Rules 1 and 2 r/w Section 151 of the Code of Civil Procedure, 1908, on behalf of Plaintiffs)

1. The present suit relates to unauthorised and illegal use of Plaintiffs' registered trademarks "HAVELLS", "**HAVELLS**", "LLOYD", "**LLOYD**." and their variants, which, according to the Plaintiffs, are being used by Ashok Kumar(s) (Unknown Defendants), in violation of Plaintiffs' intellectual property rights for the purpose of defrauding innocent members of the public.

2. *Vide* Order dated 06th July, 2022, an ad-interim injunction was granted against Defendants in I.A. No. 10116/2022 (*seeking ex-parte ad interim*

injunction against Defendants under Order XXXIX Rules 1 and 2 of CPC). In paragraph 8(vii) of the said order, liberty was granted to Plaintiffs to approach this Court for appropriate relief in the event Plaintiffs discovered any other domain names or websites which fraudulently used the Plaintiffs' registered marks. Accordingly, Plaintiffs have filed the instant application in respect of two websites, (a) "www.havellsdealership.co.in" and (b) "http://havells.store/" ("**Fraudulent Websites**"). Print-outs of the Fraudulent Websites have been annexed with application. The names of the owners of the Fraudulent Websites have been masked and cannot be obtained through the "Whois" search.

3. Plaintiffs' counsel submits that one Mr. Sandip Das has fallen victim of one of the Fraudulent Websites and has been awarded a fake dealership through a certificate, a copy whereof has been annexed to the application. He also refers to a WhatsApp conversation between the owner of one of the Fraudulent Websites and Mr. Das, wherein demand of additional sums of monies for the purchase of a fake franchisee have been made.

4. Issue notice. Counsel for Defendants, noted in appearance above, accept notice on behalf of Defendants they represent. Reply to the application, if any, be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter. Mr. Rahul Bajaj, counsel for Defendant No. 4, states that as they are not a necessary party, no reply from the said Defendant is necessary in the context of the present application. Issue notice to unrepresented Defendants, upon filing of process fee, returnable on the next date of hearing. On service, such Defendants shall file a reply within a period of 30 days from the date of service.

5. Mr. Rahul Bajaj, counsel for Hosting Concepts B.V. (Defendant No. 4), states that Defendant No. 4 does not host either of the Fraudulent Websites. Ms. Shweta Sahu, counsel for GoDaddy.com, LLC (Defendant No. 3), states that she is not in a position to immediately verify whether Defendant No. 3 is the Domain Name Registrar (“DNR”) for the Fraudulent Website “www.havellsdealership.co.in” but in the event they are, they would comply with the orders for suspension of the domain names.

6. Mr. Kunal Vats, counsel for Plaintiffs, states that as per a “Whois” search, the DNR for “www.havellsdealership.co.in” is Defendant No. 3 and the DNR for “http://havells.store/” is publicdomainregistry.com. Mr. Vats prays that since publicdomainregistry.com is not a party to the present suit, a direction be issued to Department of Telecommunications, Ministry of Communications and Information Technology (Defendant No. 11) and Ministry of Electronics and Information Technology (Defendant No. 12) for blocking access to the Fraudulent Websites.

7. Having heard counsel for parties, the Court is satisfied that Plaintiffs have made out a *prima facie* case for the grant of *ex-parte* injunction and the balance of convenience lies in favour of the Plaintiffs. Plaintiffs will suffer an irreparable loss in case the *ex-parte* injunction granted by this Court is not extended to the Fraudulent Websites. The loss to the public is also incalculable.

8. Accordingly, following directions are passed in order to curb any malpractice and monetary harm to the Plaintiffs and the public, as also to the franchisees and distributors who may pay monies to the Fraudulent Websites:

(i) Ad interim *ex-parte* injunction granted *vide* dated 06th July, 2022 is

hereby extended to the Fraudulent Websites and Defendant No. 3 is directed to immediately suspend the domain name www.havellsdealership.co.in. *Status quo* shall also be maintained in respect of the said domain name and the same shall be locked with immediate effect. Defendant No. 3 is restrained from transferring the said domain names or creating any third-party interest on the same.

(ii) Defendants No. 11 and 12 are directed to issue directions to all Internet Service Providers to block access to the Fraudulent Websites.

(iii) Bharti Airtel Ltd. (Defendant No. 17) and Vodafone Idea Limited (Defendant No. 18) are directed to file an affidavit disclosing complete KYC details of phone numbers mentioned in the Prayer E of the present application, in a sealed cover, before the next date of hearing.

(iv) Canara Bank (Defendant No. 16) is directed to freeze the bank account, details of which are mentioned in Paragraph 8 of the present application.

(v) The owners of the Fraudulent Websites shall cease all use of the domain names and pull down the websites hosted on the said domain names with immediate effect.

9. List before the Joint Registrar on the prefixed date, 05th July, 2023.

SANJEEV NARULA, J

MAY 8, 2023
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