

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-15/2021-DS-II

Dated:19.09.2023

To,  
All Internet Service Licensees'

Subject: CS (Comm) No. 78 of 2018; Indiamart Intermesh Limited Vs Ankit & Ors, before Hon'ble Calcutta High Court.

Kindly refer to the following:

- (i) Hon'ble Calcutta High Court order dated 18.03.2019 on the subject. (Annexure-I)
- (ii) MeitY letter dated 19.09.2023 to DOT to block the for infringing website enumerated in MeitY Letter. (Annexure-II)

(Copies enclosed for ready reference)

2. In view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking, above websites for compliance of the said Court order.

  
Director (DS-III)  
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 kind information and necessary action.
- (ii) Sakshi Bhayana (sakshi.bhayana@govcontractor.in) Legal Consultant, Ministry of Electronics and IT for kind information.
- (iii) IT wing of DoT for uploading on DoT website.

G. A. No. 604 OF 2019  
G. A. N.O. 03 OF 2019  
C. S. No. 78 OF 2018

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION

CALCUTTA

Indiamart Intermesh Limited, a company incorporated under provisions of the Companies Act, 1956 and an existing company within the meaning of the Companies Act, 2013, having its registered office at 1<sup>st</sup> Floor, 29 – Daryaganj, Netaji Subhash Marg, New Delhi – 110002 and also carrying on business from Rowdon Chamber, 3<sup>rd</sup> floor, 11A, Rowdon Street, Kolkata, within the aforesaid jurisdiction. ...Plaintiff

-Versus-

1. Ankit, operating <http://greatindiamart.in> and carrying on business from and/or residing at 352, Dadabari Ext., Kota – 324009;
2. Srinivas Balmoori, operating <http://kcimart.com> and carrying on business from and/or residing at 16004, Ballentine Street, Overland Park, Kansas, United States of America – 66062;
3. ShanmugaKavitha Subramanian, operating <http://usindiamart.com> and carrying on business from and/or residing at 1122, Winter Storm, Dr. Henderson, Nevada, United States of America – 89052;
4. [Http://www.onlineindiamart.com](http://www.onlineindiamart.com), operated from 14455, N. Hayden Road, Scottsdale Arizona, United States of America – 85260;



21-08-04  
2019

5. Amit, operating <http://www.kemiss.biz> and having a mobile number being +919998010455 and email ID being amit.99988@gmail.com, carrying on business from and/or residing at Vishwakarma Consultancy, A – 8, Jivan Park, Nr. Samratnagar, Isanpur, Ahmedabad, Gujrat – 382443;

6. Prince Rajput, operating <http://www.digitalgateway.in> having a mobile number being +917073161736 and an email ID being [sales@digitalgateway.in](mailto:sales@digitalgateway.in) and [rajputagra2010@gmail.com](mailto:rajputagra2010@gmail.com), carrying on business from and/or residing at Elaboration Corporation, 375 C, Omicron 2, Greater Noida – 201310, Uttar Pradesh;

7. Jacob Michael, operating <http://www.marketsutra.com> and having a mobile number being +91990990990 and an email ID being [n91.jacob@gmail.com](mailto:n91.jacob@gmail.com), carrying on business and/or residing at Market Sutra, Gurgaon, Delhi – 110012;

8. IT Manage, operating <http://www.softwebtechnology.co.in> and having a mobile number being +919986660960 and an email ID being [it@softwebtechnology.co.in](mailto:it@softwebtechnology.co.in), carrying on business from Sultan Palya, Bangalore, - 560032, Karnataka;

9. jSMTP, operating <http://www.jsmtip.com> and having a mobile number being +919310612312 and an email ID being [info@jsmtip.com](mailto:info@jsmtip.com), carrying on business from Sec – 16, Noida – 201301, Uttar Pradesh;

10. Rajbir Vats, operating <http://www.smtpserver.in> and having a mobile number being +0911120473140 and an

email ID being [smtpserver.in@gmail.com](mailto:smtpserver.in@gmail.com), carrying on

company and from B 4-5, Alipur, Delhi – 110036;

11. Hemant, operating <http://www.bol7.com> and having an email ID being [hemant@bol7.com](mailto:hemant@bol7.com) and [hemant@smsshesms.com](mailto:hemant@smsshesms.com), carrying on business from and/or residing at F -7, B- 5, Rainbow Building, Sec – 10, Vashi, Navi Mumbai – 400703;
12. Nakul, operating <http://www.Mp3eg.com> and having an email ID being [kavitarangani536@gmail.com](mailto:kavitarangani536@gmail.com), carrying on business from and/or residing at PipariyaVadi, Latipur, Ta – Dhrol, Di – Jamanagar, Rajkot – 361220;
13. AbhinavGulyani, operating <http://www.gulyani.com> and having an email ID being [aby@gulyani.com](mailto:aby@gulyani.com), carrying on business from and/or residing at C – 217, PreetVihar, Near Clock Tower, Delhi – 110055;
14. <http://www.dataenginesoft.com/>, having email ID being [main.dataengine@gmail.com](mailto:main.dataengine@gmail.com) and [privacy@1and1.com](mailto:privacy@1and1.com), operated from 1 &1, Internet Inc., 701, Lee Road Suite 300, ATTN, Chesterbrook, PA – 19087;
15. <http://www.localextractor.com>, having email ID being [c62de054282e4b8fa70cfb1657708ba8.protect@whoisguard.com](mailto:c62de054282e4b8fa70cfb1657708ba8.protect@whoisguard.com) and [ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com](mailto:ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com), operated from Whoisguard Inc., Panama, PA, P. O. Box – 0823-03411;
16. <http://jusdialextractor.com>, having email ID being [ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com](mailto:ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com), operated from Whoisguard Inc., Panama, P.A., P. O. Box – 0823-03411;

17. <http://www.vtzmp3.com>, having an email ID being [ad914e080e91460bbe932f4e2412d2f4](mailto:ad914e080e91460bbe932f4e2412d2f4@protect.whoisguard.com).  
[protect@whoisguard.com](mailto:protect@whoisguard.com), operated from Whoisguard Protected, Panama, P.A., P. O. Box – 0823-03411;
18. <http://www.vimeo.com>, having an email ID being [support@vimeo.com](mailto:support@vimeo.com), operated from Vimeo Inc., 555, West 18<sup>th</sup> Street, 2<sup>nd</sup> Floor, New York – 10011, United States of America;
19. AlexandrSlozhenikin, having an email Id being [aleksandrov\\_alek@list.ru](mailto:aleksandrov_alek@list.ru), operating as [www.flave.online](http://www.flave.online), carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
20. AlexandrSlozhenikin, having an email Id being [aleksandrov\\_alek@list.ru](mailto:aleksandrov_alek@list.ru), operating as [www.amirapress.com](http://www.amirapress.com), carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
21. <http://www.dailymotion.com>, a domain manager, having an email ID being [whois@dailymotion.com](mailto:whois@dailymotion.com), operated from 140, Boulevard Malesherbes, Paris – 75017, France;
22. <http://www.leadstoolmarketing.com>, operated by Domains By Proxy, LLC, having an email ID being [leadstoolmarketing@gmail.com](mailto:leadstoolmarketing@gmail.com), carrying on business from 14455, N. Hayden Road, Scottsdale, Arizona – 85260, United States of America;
23. <http://www.pose.newfloats.com>, having an email ID being [ceramicpose@gmail.com](mailto:ceramicpose@gmail.com);
24. <http://www.datawali.com>, [domaincontrol.com](http://domaincontrol.com), [ns18.domaincontrol.com](http://ns18.domaincontrol.com);

25. Aryan Chopra, carrying on business in the name and style of Webposh Infotech, operating as <http://www.travelsindiamart.com/home>, having its place of business at Main Dadri Road, Sector 44 Noida, Uttar Pradesh 201301, outside the jurisdiction aforesaid;

26. Ashil Shah, carrying on business and/ or operating as <https://indianmart.com/about/>, having his place of business at 9, Valley Road, Markfield, LE679, QS, United Kingdom, outside the jurisdiction aforesaid.

27. Ashok Kumars;

All carrying on business and/or operated from and/or residing at, as the case may be, outside the jurisdiction aforesaid.

...Defendants/Respondents

I certify that the supplied cause title in the GA. No. 604 of 2019 with CS. No. 73 of 2018 is true and correct to the best of my knowledge and belief.

*S. Mondal*  
Advocate

S. Mondal  
01-4-19

"Cause title Checked & Verified"

ORDER SHEET

GA 604 of 2019  
WITH  
CS 78 of 2018



IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

49

INDIAMART INTERMESH LIMITED  
Versus  
ANKIT & ORS

BEFORE:  
The Hon'ble JUSTICE ARIJIT BANERJEE  
Date : 18<sup>th</sup> March, 2019.

Appearance:  
Mr. S.K. Bajoria, Adv.  
Mr. S. Dasgupta, Adv.  
Mr. Kanakendu Chatterjee, Adv.

The Court: The plaintiff has filed this suit for alleged infringement of its trademark "INDIAMART". Being prima facie satisfied by the plaintiff's case, an order dated 16<sup>th</sup> May, 2018 was passed by a learned Judge in terms of prayer (b) and (e) of the notice of motion which read as follows :-

"(b) An order of injunction restraining the Respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, its owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from using a mark and/or domain name which is

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identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.”

“(e) An order directing the Ministry of Electronics and Information Technology, Government of India to locate the web portals/sites mentioned in the cause title above and forthwith take appropriate measures to make the said web portals/sites defunct and to take steps to take them down from the World Wide Web, the domain names of which are deceptively similar to the registered trademark of the Petitioner.”

The said interim order was confirmed and GA 1020 of 2018 was disposed of by an order dated 17<sup>th</sup> September, 2018.

The present application has been taken out by the plaintiff praying <sup>for</sup>, amongst others, the following order :-

“(a) An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address - [legal@indiamart.com](mailto:legal@indiamart.com) from time to time.”

Learned Counsel submits that this has become necessary in view of the report of the Ministry of Electronics and Information Technology, a copy whereof is Annexure-B to the present application. It is submitted that the said Ministry ✓

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has informed the petitioner that without a specific order of Court, necessary measures cannot be taken by the Ministry.

Having heard learned Counsel for the parties, I pass an order in terms of prayer (a) of the application.

No useful purpose will be served by keeping the application pending.

GA 604 of 2019 is, accordingly, disposed of. ✓

Sd/- A. Banerjee, J.  
(ARIJIT BANERJEE, J.)

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Rbhar

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Exd  
S. Sengupta  
08/2/19

CERTIFIED TO BE A TRUE COPY

Omkar Bal chowdhry 8/4/19

Authorised under Section 76 of  
the Indian Evidence Act. 1872  
Act- 1 of 1872)

GA NO.	604	OF 2019
GA NO.		OF 201
AP NO.		OF 201
CA NO.		OF 201
CP NO.		OF 201
CS NO.	78	OF 2018
WF NO.		OF 201
AS NO.		OF 201
EOS NO.		OF 201
CC NO.		OF 201
TS NO.	8	OF 201
PLA NO.		OF 201
EC NO.		OF 201

- i) Date of application for Copy 19.03.19
- ii) Date of notifying the charges. 01.04.19
- iii) Date of putting in the Charges 01.04.19
- iv) Date on which the copy is ready for delivery. 08.04.19
- v) Date of making over the copy to the applicant. 09/04/19

Indiamart Intermesh Limited

.....VS.....

Ankit & ORS.

*Gautam Das*  
 Section Officer 8/4/19  
 (Group-A Service)  
 High Court, Original Side  
 Calcutta

*Ahussain*  
 08/4/19

ORDER/JUDGMENT PASSED BY  
THE HON'BLE JUSTICE

ARIJIT BANERJEE

ON

18 / 03 / 2019

FILED THIS 18<sup>th</sup> DAY OF April 2019

S.K. Bajoria (Adv)



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eF. no.4(64)/2022-CL  
**Government of India**  
**Ministry of Electronics and Information Technology**

Electronic Niketan, 6, CGO Complex  
Lodhi Road, New Delhi – 110 003  
Dated: 19<sup>th</sup> Sep, 2023

**Office Memorandum**

**Subject: Order dated 18.3.2019 of the Hon'ble High Court of Calcutta in CS 78 of 2018, Indiamart Intermesh Limited Vs Ankit & Ors — Request for blocking of the website “https://indiamart.rent/ <https://indiamart.rent/>”**

M/s Indiamart Intermesh Limited, the plaintiff in the court case cited in the subject noted above, *vide* email dated 15.09.2023 addressed to this Ministry, have requested that the websites “https://indiamart.rent/ <https://indiamart.rent/>” be blocked in pursuance of the order dated 18.3.2019 of the Hon'ble High Court of Calcutta in the said case. A copy each of the said email and order are enclosed herewith.

2. In the said order, the Hon'ble High Court had passed *ad interim* orders in terms of the plaintiff's prayer to restrain the defendants and such other websites/entities which are discovered during the course of the proceedings to have been engaging in infringing the petitioner's exclusive rights, or any one claiming through by or under it, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of petitioner in any manner. Attention is invited to the following extract from the said order:

“An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the petitioner to the ministry from the world wide web and the domain names which are deceptively similar to the trademark of the petitioner as could be identified by the petitioner to the Ministry through email address -legal@indiamart.com from time to time.”

3. In this connection, it is pertinent that Internet Service Providers enter into a license agreement and register themselves with the Department of Telecommunications.

4. In view of the above, the undersigned is directed to request the Department of Telecommunications to take necessary action to give effect to the direction contained in the Hon'ble High Court's said order by blocking the said website for the infringement as represented by the plaintiff.

Encl.: As above

(Ritesh Kumar Sahu)

Scientist D

Email: ritesh.s@meity.gov.in

To:

Secretary  
Department of Telecommunications  
Sanchar Bhawan, 20, Ashoka Road  
New Delhi – 110 001

रितेश कुमार साहू / RITESH KUMAR SAHU  
वैज्ञानिक 'डी' / Scientist 'D'  
भारत सरकार / Government of India  
इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय  
Ministry of Electronics & Information Technology  
इलेक्ट्रॉनिक्स निकेतन / Electronics Niketan  
6, सीजीओ कॉम्प्लेक्स, लोधी रोड/6, CGO Complex, Lodhi Road  
नई दिल्ली- 110003 / New Delhi- 110003