

**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. 813-7/25/2011-DS-Vol.(VII) Part(III)**

**Dated:21-07-2022**

To,

Internet Service Licensee's

**Subject: CS No. 78 of 2018, titled as Indiamart Intermesh Ltd. Vs Ankit & Ors., before Hon'ble High Court, Calcutta.**

Kindly find the enclosed Hon'ble High Court Calcutta order dated 18.03.2019 in the GA 604 of 2019 in CS 78 of 2018 forwarded by Ministry of Electronics & IT (MeitY) for compliance vide email dated 19.07.2022 with the request email of the petitioner in the matter to take down the following websites/URLs in compliance of the court order dated 18.03.2019.

- (a) <https://indiaadmart.com/>
- (b) <http://www.indiamart.co.kr/>
- (c) <http://www.growingindiamart.com/>
- (d) <https://www.govtjobsguru.co.in/indiamart-recruitment/>
- (e) <https://indiamart7.com/#/pages/regist/index>

2. Accordingly, Hon'ble court order dated 18.03.2019 is hereby forwarded to Internet Service licensees to take necessary action as per request of MeitY vide email 19.07.2022 in compliance of the Hon'ble court order dated 18.03.2019.

Encl: A/A

**Director (DS-II)  
Tel: 011-2303 6860  
Email: dirds2-dot@nic.in**

G. A. No. 604 OF 2019  
G. A. N.D. 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;



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5. Amit, operating <http://www.kemits.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. 78 of 2018 is true and correct to the best of my knowledge and belief.

*S. Mankul*

Advocate

S. Mankul

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.)

R.Bhar  
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

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

*Ahussan*  
 08/4/19

.....VS.....

Ankit & ORS.

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)



PA  
SSQ



**Email****HARENDRA HARENDRA**

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**Fwd: Take-down of rogue websites**

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**From :** Cyber Law Legal <cyberlaw-legal@meity.gov.in> Tue, Jul 19, 2022 05:34 PM**Subject :** Fwd: Take-down of rogue websites**To :** Legal NIXI <legal@nixi.in>**Cc :** HARENDRA HARENDRA <adetds2-dot@gov.in>, C.J.Antony <antony@gov.in>, CISO-NIC <ciso-nic@nic.in>, Rakesh Maheswari <gccyberlaw@meity.gov.in>, Somnath Chandra <schandra@meity.gov.in>, Chinnasamy V <chinnasamy.v@meity.gov.in>**Reply To :** Cyber Law Legal <cyberlaw-legal@meity.gov.in>

Dear Sir,

As per your last email dated 18.07.2022, and our telephonic discussion, we are hereby forwarding the list of websites for the compliance as per the court order in the Cs Comm Case 78 of 2018 by the Hon'ble High Court of Calcutta.

We request you and the other parties marked in "CC" to kindly comply with the court order and let us know once complied.

Puneet sir, as informed, please share the court order in the matter of Snapdeal for our perusal.

List of websites as under:

- (a) [https://indiaadmart.com/;](https://indiaadmart.com/)
- (b) [http://www.indiamart.co.kr/;](http://www.indiamart.co.kr/)
- (c) [http://www.growingindiamart.com/;](http://www.growingindiamart.com/)
- (d) [https://www.govtjobsguru.co.in/indiamart-recruitment/;](https://www.govtjobsguru.co.in/indiamart-recruitment/)
- (e) <https://indiamart7.com/#/pages/regist/index>

Kindly connect in case of any information or discussion, please.

Regards  
Sakshi Bhayana  
Legal Consultant  
Ministry of Electronics and IT

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**From:** danish@indiamart.com**To:** "Rakesh Maheswari" <gccyberlaw@meity.gov.in>

**Cc:** "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>, "N Samaya Balan" <ns.balan@meity.gov.in>, "Debjit Kar" <debjit.kar@meity.gov.in>, "vyomica paul" <vyomica.paul@indiamart.com>, legal@indiamart.com, "Somnath Chandra" <schandra@meity.gov.in>

**Sent:** Monday, July 18, 2022 3:32:18 PM

**Subject:** Re: Take-down of rogue websites

Dear Sir,

This is in continuation to our previous email (appended below). There has been no confirmation from your end so far and the rogue websites below are still working, thus we again request you to take appropriate action against them.

(a) [https://indiaadmart.com/;](https://indiaadmart.com/)

(b) [http://www.indiamart.co.kr/;](http://www.indiamart.co.kr/)

(c) [http://www.growingindiamart.com/;](http://www.growingindiamart.com/)

(d) [https://www.govtjobsguru.co.in/indiamart-recruitment/;](https://www.govtjobsguru.co.in/indiamart-recruitment/)

(e) <https://indiamart7.com/#/pages/regist/index>

In case of any query, please feel free to contact the undersigned.

Regards,

DANISH ALI KHAN

Principal Legal Counsel - IPR & Policy Advocacy

IndiaMART InterMESH Ltd.

Hand Phone: +91-9711003839

*The contents of this message are intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is unpublished price sensitive (UPSI), proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message. Kindly use the above-said information in compliance with the applicable Security Exchange Regulations ("SEBI Regulations").*

On Sun, 10 Jul 2022 at 15:39, 'Rakesh Maheswari' via IndiaMART Legal <[legal@indiamart.com](mailto:legal@indiamart.com)> wrote:

For necessary action pls.



With regards.

Rakesh Maheshwari

Group Co-ordinator Cyber Laws

Ministry of Electronics and Information Technology (MeitY)

New Delhi

email: [gccyberlaw@meity.gov.in](mailto:gccyberlaw@meity.gov.in)

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**From:** [legal@indiamart.com](mailto:legal@indiamart.com)

**To:** "Rakesh Maheshwari" <[gccyberlaw@meity.gov.in](mailto:gccyberlaw@meity.gov.in)>

**Cc:** "Cyber Law Legal" <[cyberlaw-legal@meity.gov.in](mailto:cyberlaw-legal@meity.gov.in)>, [legal@meity.gov.in](mailto:legal@meity.gov.in), "N Samaya Balan" <[ns.balan@meity.gov.in](mailto:ns.balan@meity.gov.in)>, "Debjit Kar" <[debjit.kar@meity.gov.in](mailto:debjit.kar@meity.gov.in)>, "vyomica paul" <[vyomica.paul@indiamart.com](mailto:vyomica.paul@indiamart.com)>

**Sent:** Friday, July 8, 2022 9:38:44 AM

**Subject:** Take-down of rogue websites

Dear Rakesh Sir,

We are writing to you on behalf of Indiamart Intermesh Limited in reference to the proceedings of Indiamart Intermesh Ltd. Vs. Ankit & Ors. presently pending before the Hon'ble Calcutta High Court wherein Meity is also party.

As you are aware our Company has been running India's largest online B2B (Business-To-Business) marketplace through a website namely [www.indiamart.com](http://www.indiamart.com) for more than two decades. On account of its inherently distinctive nature, the trademark "INDIAMART", has acquired an excellent and enviable reputation over the years. The said trademark is duly registered under various classes and in various forms including a word mark, logo mark, label mark etc. The earliest use of the trademark "INDIAMART" dates back to the year 1996, and the earliest registration to the year 2002 in India. Our Company has full rights over the mark 'INDIAMART' and the use of any identical or deceptively similar mark, particularly in respect of identical services, would amount to trademark infringement.

In the year of 2018, it has come to the Notice of the Company that lot of known and unknown entities/persons were infringing our registered trademarks on the world wide web and in order to safeguard our proprietary and legal rights in the registered trademark, the company filed a suit C.S 78 of 2019 and GA No. 1090 of 2018 before Hon'ble Calcutta High Court with title Indiamart vs Ankit and Ors. The Hon'ble High court recognized the proprietary of our company in relation to its trademark 'INDIAMART' and was pleased to pass an interim order dated May 16,2020, a part of which is as follows:

*'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 identical or deceptively similar to the registered INDIAMART mark of*

*Petitioner in any manner whatsoever, thereby amounting to passing off.'*

Along with the above-mentioned directions, the Hon'ble High Court was also passed an order referring to the Ministry of Electronics and Information Technology (MEITY), which is as under:

*"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"*

A copy of the Order dated May 16, 2018 is annexed hereto. The said interim order was confirmed on September 17, 2018.

For the compliance of the said order, a representative of our Company had a meeting with the officials of the MEITY and forwarded certain links/websites infringing the Trademark of Indiamart. It is pertinent to mention that your office was kind enough to take actions against such links/website provided by the Company but later your office requested us to get a specific direction for MEITY from the Hon'ble High Court in relation thereto.

In light of the above advisory by MEITY, Our Company filed an application GA No. 604 of 2019 in titled suit Indiamart Intermesh Ltd. Vs. Ankit & Ors. before the Hon'ble Calcutta High Court, wherein the company prayed that:

*"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."*

The Hon'ble Court was pleased to pass the said order on March 18, 2019 in favour of the company in terms of the prayer as above.

Therefore, in view of the directions as contained in the annexed order dated March 18, 2019, we humbly request you to take appropriate action and/or direct the appropriate agency/ individual to remove/ delete and/or defunct and/or disable the following links in compliance with the above-mentioned Hon'ble Calcutta High Court order

- (a) [https://indiaadmart.com/;](https://indiaadmart.com/)
- (b) [http://www.indiamart.co.kr/;](http://www.indiamart.co.kr/)
- (c) [http://www.growingindiamart.com/;](http://www.growingindiamart.com/)
- (d) [https://www.govtjobsguru.co.in/indiamart-recruitment/;](https://www.govtjobsguru.co.in/indiamart-recruitment/)



(e) <https://indiamart7.com/#/pages/regist/index>

We will be happy to provide you any assistance as may be required in this regard.

Regards,

DANISH ALI KHAN

Assistant Vice President - Legal & Risk

IndiaMART InterMESH Ltd.

Hand Phone: +91-9711003839

