

**BY EMAIL**

**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:07-04-2022**

To,

All 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.

2. In the subject matter, Ministry of Electronics & IT (MeitY) vide email dated 01.04.2022 has forwarded the request of petitioner in the matter to take down the following websites/URLs for compliance of the court order dated 18.03.2019.

1. <https://www.shreekunjbiharijigroup.com/campaign/index.html>
2. <https://www.shreekunjbiharijigroup.com/portfolio/kb-india-mart/>
3. <https://kbindiamart.in/>
4. <https://www.kbindiamart.com/>
5. <https://www.shreekunjbiharijigroup.com/campaign/index.html>
6. <https://www.shreekunjbiharijigroup.com/portfolio/kb-india-mart/>

3. Accordingly, Internet Service licensees are requested to take necessary action as per MeitY request for 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;



21-08-04  
2019

Sd

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  
R Bhar

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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)



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SSQ

**Email****HARENDRA HARENDRA**

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**Fwd: Take-down of website - https://indiaamartt.in/**

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**From :** Tejpal Singh <dirids2-dot@nic.in> Fri, Apr 01, 2022 11:26 AM  
**Subject :** Fwd: Take-down of website - https://indiaamartt.in/ 📎 4 attachments  
**To :** HARENDRA HARENDRA <adetds2-dot@gov.in>  
**Cc :** SANJAY KUMAR <adg2ds2-dot@gov.in>

Please examine.

With Regards,  
Tejpal Singh  
Director (DS-II) , Department of Telecom  
Ministry Of Communications  
Phone: 011-2303 6860

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**From:** "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>  
**To:** "Tejpal Singh" <dirids2-dot@nic.in>, "Ratnaboli Ghorai Dinda" <ratnaboli@nic.in>, "Legal NIXI" <legal@nixi.in>  
**Cc:** "Debjit Kar" <debjit.kar@meity.gov.in>, "N Samaya Balan" <ns.balan@meity.gov.in>  
**Sent:** Friday, April 1, 2022 10:45:53 AM  
**Subject:** Re: Take-down of website - https://indiaamartt.in/

Dear Sir and Madam,

In reference to the trailing mail and the information provided herewith, please find the information provided by India Mart regarding the actively functioned website (emails attached), further requesting to block the same.

The list of such websites are -

<https://www.shreekunjbiharijigroup.com/campaign/index.html>;  
<https://www.shreekunjbiharijigroup.com/portfolio/kb-india-mart/>  
<https://kbindiamart.in/>  
<https://www.kbindiamart.com/>  
<https://www.shreekunjbiharijigroup.com/campaign/index.html>  
<https://www.shreekunjbiharijigroup.com/portfolio/kb-india-mart/>

You are hereby kindly requested to issue necessary directions to ISP in compliance to the court order and send a compliance report of the same. The copy of the Hon'ble Court Order has been attached.

Warm regards...

Bhavna Sharma,

Ass. Legal Manager, CLeS,  
Ministry of Electronics & Information Technology.

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**From:** "HARENDRA HARENDRA" <adetds2-dot@gov.in>  
**To:** "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>  
**Cc:** "N Samaya Balan" <ns.balan@meity.gov.in>, "Debjit Kar" <debjit.kar@meity.gov.in>, "Tejpal Singh" <dirids2-dot@nic.in>  
**Sent:** Tuesday, March 22, 2022 2:47:59 AM  
**Subject:** Take-down of website - <https://indiaamartt.in/>

Sir,

Kindly find attached letter issued to ISPs. However, in future please provide detailed direction with court reference etc.

With Regards,

ADET(DS-II), Data Services Cell,  
Sanchar Bhawan, DOT HQ,  
New Delhi-110001

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**From:** "Tejpal Singh" <dirids2-dot@nic.in>  
**To:** "HARENDRA HARENDRA" <adetds2-dot@gov.in>  
**Sent:** Tuesday, March 15, 2022 4:34:40 PM  
**Subject:** Fwd: Take-down of website - <https://indiaamartt.in/>

Please examine in context of Court order.

With Regards,  
Tejpal Singh  
Director (DS-II) , Department of Telecom  
Ministry Of Communications  
Phone: 011-2303 6860

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**From:** "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>  
**To:** "Ratnaboli Ghorai Dinda" <ratnaboli@nic.in>, "Legal NIXI" <legal@nixi.in>, "Tejpal Singh" <dirids2-dot@nic.in>  
**Cc:** "N Samaya Balan" <ns.balan@meity.gov.in>, "Debjit Kar" <debjit.kar@meity.gov.in>  
**Sent:** Tuesday, March 15, 2022 4:30:17 PM  
**Subject:** Fwd: Take-down of website - <https://indiaamartt.in/>

Dear Madam/Sir,

Please find attached the following documents for further compliance.

Thanks & Regards,  
Bhavna Sharma  
AM - Legal, CLeS, MeitY.

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

- 1) <https://www.shreekunjbiharijigroup.com/campaign/index.html>
- 2) <https://www.shreekunjbiharijigroup.com/portfolio/kb-india-mart/>
- 3) <https://kbindiamart.in/>
- 4) <https://www.kbindiamart.com/>
- 5) <https://www.shreekunjbiharijigroup.com/campaign/index.html>
- 6) <https://www.shreekunjbiharijigroup.com/portfolio/kb-india-mart/>