

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-24/2024-DS-II

Dated:06-11-2024

To,

All Internet Service Licensee

**Subject: CS(Comm) 494 of 2024: HELL ENERGY MAGY ARORSZAG
KFT & ANY. Before Hon'ble Delhi High Court.**

Kindly find the enclosed Hon'ble Delhi High Court order dated **09.09.2024** on the subject matter.

2. Please refer to the **para 3(b)** of the said court order in respect of blocking of **websites** enumerated in the said para.
3. 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.

Digitally signed by
Ram Kailash Meena
Date: 06-11-2024 15:29:24
Dir (DS-II)
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 with request to take action as per **Annexure.**
- ii. S.S. RANA & Co. <ssrana@ssrana.com> Plaintiff Advocate for kind information.
 - a. Take action as per Annexure.

iii. IT wing of DoT for uploading on DoT websites please.



\$~40

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

+ **CS(COMM) 494/2024**

HELL ENERGY MAGYARORSZAG KFT. & ANR.Plaintiffs

Through: Ms. Devika Mehra, Mr. Nihit Nagpal, Mrs. Bindra Rana, Ms. Devika Mehra and Mr. Vikrant Rana, Advocates

versus

NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)

& ORS.Defendants

Through: Mr. Neel Mason, Mr. Vihan Dang, Mr. Ujjawal Bhargava and Mr. Aditya Mathur, Advocates for D-14

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% 09.09.2024

I.A. 38757/2024-Stay under Order XXXIX Rules 1 and 2, CPC

1. By virtue of the present application, the plaintiffs seek the following reliefs:

"a. pass an ex-parte injunction order restraining the Imposters/Defendant No. 11, John Doe/Ashok Kumar and 11A, Nanka Kumar, by themselves, their partners, proprietors, agents, servants, representatives, employees and/or any one claiming under them, directly or indirectly, from infringing Plaintiff No. 1's registered HELL/ HELL ENERGY trademarks and device marks or any other confusingly and deceptively similar mark, for offering fake HELL ENERGY distributorship to the general public through the websites www.hellenergypvt.in, www.hellenergydrink.in and/or any other website/other mode of communication including email addresses, social media accounts, messaging apps, advertisement in print and electronic media etc.,

b. pass an ex-parte injunction order restraining the Imposters/Defendant No. 11, John Doe/Ashok Kumar and 11A, Nanka Kumar, by themselves, their partners, proprietors, agents, servants, representatives, employees and/or

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anyone claiming under them, directly or indirectly, from infringing the HELL/ HELL ENERGY trademarks and device marks in the logos '



, by using, publishing, advertising, circulating the same in any manner;

c. pass an ex-parte injunction order restraining the Imposters/Defendant No. 11, John Doe/Ashok Kumar and I IA, Nanka Kumar, by themselves, their partners, proprietors, agents, servants, representatives, employees and/or any one claiming under them, directly or indirectly, from in any manner, directly or indirectly, misusing the Plaintiffs' names/trade marks, business address, GSTIN, CIN of the Plaintiff No. 2, domain names, websites, business papers, corporate stamps etc. or any other business identification, in relation to their business, so as to pass off or enable others to pass off their goods, services and business as that of the Plaintiffs;

d. pass directions to Defendant No. 4, HOSTINGER operations, UAB to suspend/lock the impugned domain names, including but not limited to www.hellenergypvt.in and unni@hellenergypvt.in as mentioned in paragraphs 9 and 10 of this injunction application, and all other domain names and websites identified and impleaded during the pendency of the suit,

e. pass directions to Defendant No. 6 and 7 Bank of Maharashtra to immediately freeze the bank account no. 60493583898 (IFSC Code: MAHB00089) and immediately disclose the identity of the beneficiaries of the said bank account, along with their bank account opening forms, KYC documents, complete bank statement from the date of opening account till the date of order and file a compliance affidavit in this regard in this Hon'ble Court;

f. pass directions to proposed Defendant No. 12, GoDaddy.com LLC to suspend/lock the impugned domain names, including but not limited to www.hellenergydrink.in and email IDs unni@hellenergypvt.in as mentioned in paragraphs 9 and 10 of this injunction application and all other domain names and websites identified and impleaded during the pendency of the suit;

g. pass directions to proposed Defendant No. 13, Bharti Airtel Ltd. to immediately disable the mobile nos. +918961050279 and 9831232199, of the Imposters/ Defendant No. 11 and disclose the identity of the holder of the said mobile number, file the sun card application form, KYC documents along with call records and file a compliance affidavit in this regard in this Hon'ble Court;

h. pass directions to proposed Defendant No. 14, Google LLC to suspend/lock the impugned domain names and email IDs, including but not limited to hellenergypvt@gmail.com as mentioned in paragraphs 9 and 10 of this injunction application, and all other domain names and websites



identified and imp leaded during the pendency of the suit;
i. pass an order directing Defendant Nos. 2, Ministry of Electronics and Information Technology, and 3, Department of Telecommunications to issue necessary directions/notifications to all concerned Internet Service Providers (ISP) in India, to block access to the infringing domain names/ websites as mentioned in paragraphs 9 and 10 of this application with immediate effect and file their affidavit of compliance in this regard;
j. pass directions against Defendant No. 1 NIXI to ensure the compliance of orders passed by this Hon'ble Court against the Domain Registrar Defendants;
k. give liberty to the Plaintiffs to implead and include any other impugned domain name, website, bank account, mobile number, email address, which is connected with the cause of action of the present suit, which the Plaintiffs may come across during the pendency of the suit, on filing of any affidavit to that effect and Defendants may be directed to comply with the same in terms of the present order;
l. Pass any other order that this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Learned counsel for the plaintiff prays that the *ex-parte ad-interim* order dated 30.05.2024 may also be extended against the similarly situated defendants qua the similar reliefs as also against defendant no.11, John Doe/ Ashok Kumar and defendant no.11.A, Nanka Kumar.

3. In view of the facts involved herein, the averments made in the present application as also the fact that this Court has already granted an *ex-parte ad interim* injunction in favour of the plaintiffs and against the erstwhile defendants vide order dated 30.05.2024, this Court finds no reason for not extending the same to the newly impleaded defendants. As such, till the next date of hearing:-

- a. The defendant no.1 is directed to ensure compliance of order dated 30.05.2024 passed by this Court against the Domain Registrars/ defendants.
- b. The defendant nos.2 and 3 are directed to issue notification/ orders to all concerned Internet Service Providers (ISP) in India, to block access to the infringing domain names/



websites as mentioned in paragraphs 9 and 10 of this application with immediate effect and file their affidavit of compliance in this regard.

c. The defendant no.12 is directed to block and suspend the operation of domain(s), including but not limited to www.hellenergydrink.in and email IDs unni@hellenergypvt.in as mentioned in paragraphs 9 and 10 of the present application as also all other domain names and websites identified till now within a period of four weeks.

d. The defendant no.13 is directed to immediately disable mobile nos. +918961050279 and 9831232199 of defendant no.11 and disclose the identity of the holder of the said mobile numbers, file the SIM card application form, KYC documents along with call records in a sealed cover with this Court, along with a copy thereof to the plaintiffs, who shall use the said information solely for the purposes of impleadment and further investigation and also file a compliance affidavit in this regard in this Court within a period of four weeks.

e. The defendant no.14 is directed to suspend and block the impugned domain names and email IDs, including but not limited to hellenergypvt@gmail.com as mentioned in paragraphs 9 and 10 of the present application, and all other domain names and websites identified till now within a period of four weeks.

4. Needless to mention, the present order shall be read in conjunction with the earlier order dated 30.05.2024.

5. Upon filing process fee, issue notice to the defendants by all

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permissible modes returnable before the Joint Registrar on 04.12.2024.

6. Reply, if any, be filed within thirty days of the receipt of notice.

Rejoinder thereto, if any, be filed within fifteen days thereafter.

7. The provisions of *Order XXXIX Rule 3* CPC be complied within one week.

8. List before the Court on 13.01.2025.

9. The previous date already fixed i.e. 28.10.2024 before the learned Joint Registrar and 06.11.2024 before this Court stands cancelled.

SAURABH BANERJEE, J

SEPTEMBER 9, 2024/So

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)
COMMERCIAL COURTS DIVISION

C.S. (COMM) NO. 494 OF 2024

Code: 50000

50000.01

IN THE MATTER OF:

Hell Energy Magyarorszag Kft. & Anr.

... Plaintiffs

Versus

National Internet Exchange of India (NIXI) & Ors. ... Defendants

MEMO OF PARTIES

1. Hell Energy Magyarorszag Kft.
(Hell Energy Hungary Ltd.)
1062 Budapest,
Andrassy út. 126.,
Hungary
Through Mr. Raghuveer Singh Rathore
Authorized Signatory
Mob: 9810203805
Email: rathorer@yahoo.com ...Plaintiff No. 1
2. HELL-ENERGY PRIVATE LIMITED
203, 2nd Floor, Inizio CTS 479,
479/1 to 479/17, Cardinal Gracious Road,
Opp. P&G Plaza, Andheri East, Sahargaon,
Mumbai, Maharashtra, India, 400099
Through Mr. Raghuveer Singh Rathore
Authorized Signatory

Mob: 9810203805
Email: rathorer@yahoo.com ...Plaintiff No. 2

Versus

1. National Internet Exchange of India (NIXI)
Through its Director,
9th Floor, B-Wing, Statesman House,
148, Barakhamba Road, New Delhi 110001
Email: info@nixi.in ...Defendant No. 1
2. Ministry of Electronics and Information Technology
Through its Secretary,
Electronic Niketan, 6 CGO Complex
Lodhi Road, New Delhi- 110003
Email: secretary@meity.gov.in ...Defendant No. 2
3. Department of Telecommunications
Ministry of Communication
Through its Secretary,
Sanchar Bhavan, 20 Ashoka Road,
New Delhi- 110001
Email: moc-office@gov.in ...Defendant No. 3
4. HOSTINGER operations, UAB
Švitrigailos str. 34, 03230,
Vilnius, Lithuania

Also at:

Hostinger International Ltd.
Through its Grievance Officer
61 Lordou Vironos Street, 6023,
Larnaca, Cyprus
Email: abuse@hostinger.com ...Defendant No. 4

5. Hostinger, UAB,
Jonavos str. 60C,

- 44192, Kaunas, Lithuania
Email: abuse@hostinger.com
Contact No.: +37064503378 ...Defendant No. 5
6. Bank of Maharashtra
Through its Branch Manager
No 70E, Mahabank Building,
Dayanand Saraswati Road.
Chembur, Mumbai – 400071
Email: hocomplaints@mahabank.co.in ...Defendant No. 6
7. Bank of Maharashtra
Through its Manager,
Head Office, ‘Lokmangal’,
1501, Shivajinagar, Pune – 411005
Email: hocomplaints@mahabank.co.in ...Defendant No. 7
8. Central Bank of India
Through its Branch Manager
Sai Kiran Apartment Plot No 217
Central Avenue, Chembur,
Mumbai - 400071
Email: bmmsro0623@centralbank.co.in
Contact No.: +91-9930079263 ...Defendant No. 8
9. Central Bank of India
Through its Manager
Chander Mukhi, Nariman Point
Mumbai – 400 021
Email: zmmmzo@centralbank.co.in ...Defendant No. 9
10. Vodafone Idea Ltd.
Regional office:
A-19, Mohan Co-operative Industrial Estate,
Mathura Road, New Delhi -110044
Email id: customercare@vodafoneidea.com ...Defendant No. 10

11. John Doe/ Ashok Kumar

...Defendant No. 11



D/317/1968 (Mrs. Bindra Rana)

New Delhi

(S. S. Rana & Co.)

Dated: May 28, 2024

Counsel for the Plaintiffs

317, Lawyers' Chambers,

Delhi High Court,

New Delhi-110003

Tel. No. 40123000

Mobile: 9818202368

E-mail: litigation@ssrana.com

Note: The Defendant No. 1 is main Defendant in the suit.



D/317/1968

CS(COMM) 494/2024 Hell Energy Magyarország KFT versus NIXI & Ors. [SSR Ref. 911000172]**LI** litigation@ssrana.com

Tue, 01 Oct 2024 3:52:03 PM +0530 •

To "Abhinesh Meena" <jto2ds2-dot@gov.in>, "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>

Cc "Group Coordinator,CLDG Division, Meity" <gccyberlaw@meity.gov.in>, "V Chinnasamy" <chinnasamy.v@meity.gov.in>, "Avneet Toor Gupta" <avneett.g@nic.in>, "Nagarajan N" <nagarajan.n@meity.gov.in>, "Ram Kailash Meena" <dirsd2-dot@nic.in>, "litigation" <litigation@ssrana.com>

Tags

Dear Team,

We are the counsels for the Petitioners.

In furtherance to our discussion over call, please find below the We Transfer link of the following documents for your perusal and reference:

<https://wetransfer.com/downloads/26f3f14c74d8a716e9c77e428e2dace320240930114833/492083c2c09371f70187004e34888b3020240930114901/f5e834>

Please note that the link expires on October 7, 2024.

Further, as per your request, you are ensure that the following URLs are disabled, in compliance of the Orders dated May 30, 2024 and September 09, 2024:

- <http://www.hellenergypvt.com/>
- <http://www.hell-energy.in/>
- unni@hellenergypvt.com
- www.hellenergydrink.in
- unni@hellenergypvt.in
- info@hellenergydrink.in
- hellenergypvt@gmail.com

Should you need any clarifications, please feel free to reach out to us.

Regards,

Nihit Nagpal | Devika Mehra

Partner Managing Associate

S.S. Rana & Co.

81/2, 2nd & 3rd Floors, Aurobindo Square,
Aurobindo Marg, Adhchini,
New Delhi 110017, IndiaT: [+ 91-11-4012 3000](tel:+91-11-4012-3000)M : [+91-9289486060](tel:+91-9289486060)F0 [+ 91-11-4012 3010](tel:+91-11-4012-3010)

W: www.ssrana.inE: department_email_id**CONFIDENTIALITY NOTICE :**

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Please do not print this email if not necessary. **Save Paper, Save Trees, Save The Environment**

From: Cyber Law Legal <cyberlaw-legal@meity.gov.in>

Sent: 28 September 2024 10:01 AM

To: Abhinesh Meena Meena <jto2ds2-dot@gov.in>

Cc: Deepak Goel <gccyberlaw@meity.gov.in>; Chinnasamy Vembadian <chinnasamy.v@meity.gov.in>; Avneet Toor Gupta <avneett.g@nic.in>; Nagarajan N <nagarajan.n@meity.gov.in>; Ram Meena <dirds2-dot@nic.in>; SSRANA <ssrana@ssrana.com>

Subject: Re: CS(COMM) 494/2024 Hell Energy Magyarország KFT versus NIXI & Ors.

Dear Sir

As informed in the trailing email, our office received a hard/physical copy of the order in the captioned matter. Since, it was not received through cyberlaw-legal@meity.gov.in, we are not in a position to provide you with the memo of parties or list of websites in excel sheet.

However, an earlier intimation from your side (dated 10.07.2024 @ 5.30 p.m) mentions compliance of the order passed on 30.05.2024 with a screenshot of memo of parties.

I am copying the Petitioner lawyers (as mentioned on the screenshot of memo of parties) in this email but not sure if the id works.

Kind Regards
Avneet Toor Gupta

---- On Fri, 27 Sep 2024 14:19:38 +0530 **Abhinesh Meena Meena** <jto2ds2-dot@gov.in> wrote

Dear Sir/ma'am

Please provide a memo of parties and list of websites to be blocked in Excel format for necessary action

With Regards,

Abhinesh Meena
JTO-2(DS-II), Data Services Cell,
Sanchar Bhawan, DOT HQ,
New Delhi-110001
Ph. 23036760

----- On Thu, 26 Sep 2024 18:07:03 +0530 **Cyber Law Legal** <cyberlaw-legal@meity.gov.in> wrote ---

Dear Sir,

Request your attention to the captioned matter. Hard copy of the order in the captioned matter has been received by our office through snail mail.
Would appreciate, if you could review it and take necessary action, as required.

Copy of the order of the Hon'ble Court has been attached, for your convenience (kindly see paragraph 3b). Kindly, inform us once the needful has been done.

Regards
Nagarajan. N
Scientist C
Cyberlaw Division
Ministry of Electronics and Information Technology (MeitY)
Tel: [9310759547](tel:9310759547)

Annexure

Subject: Action requested to be taken by MEITY and Plaintiff for effective removal of content for viewing by public at large within India as per the said orders of Hon'ble Court.

It is observed that a number of orders of Hon'ble Court are issued for blocking of websites every month. There are around more than 2700 ISPs in India and these ISPs are connected among themselves in a mesh network. DOT is instructing each of the ISPs through emails/through its website for blocking of the websites as ordered by the Hon'ble Courts. Ensuring compliance of the orders by each of the ISPs is a time-consuming and complex task especially in view of multiplicity of orders of Hon'ble Courts, multiplicity of websites to be blocked and multiplicity of ISPs.

2. Allocation of Business Rules inter-alia states thus:-

'Policy matters relating to information technology; Electronics; and Internet (all matters other than licensing of Internet Service Provider).'

3. In view of above and in order to ensure effective removal by content for viewing by public at large, the plaintiff is requested to do a trace route of the web server hosting the said website. In case the web server happens to be in India, the plaintiff may inform the same to Meity who may direct the owner of such web server to stop transmission of content as per IT Act and as directed by the Hon'ble Court so that the content would be blocked from the source itself and the exercise of blocking by 2700 ISPs would not be required.

4. In case such server is located abroad i.e. outside India then access to such URL/website can be blocked through the international internet gateways which are much less in number. This would result in timely and effectively removal of undesirable content for viewing by public at large as is the requirement as per the orders of Hon'ble Court.