

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-20/2024-DS-II

Dated:#ApprovedDate#

To,

All Internet Service Licensee

Subject: CS (COMM) No. 419 of 2024 Tata Power Solar Systems Limited & Anr. v. www.tatapowersolardealership.co.in & Ors.

Kindly find the enclosed Hon'ble Delhi High Court order dated **19.09.2024** on the subject matter.

2. Please refer to the **para 2(f)** 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.

 19.11.24

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. Krishna Gambhir" <Krishna.Gambhir@remfry.com> Plaintiff Advocate for kind information.
 - a. Take action as per Annexure.
- iii. IT wing of DoT for uploading on DoT websites please.



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

+ **CS(COMM) 419/2024**

TATA POWER SOLAR SYSTEMS LIMITED & ANR.

.....Plaintiffs

Through: Mr. Peeyoosh Kalra, Mr. C. A. Brijesh and Mr. Krishna Gambhir, Advocates

versus

WWW.TATAPOWERSOLARDEALERSHIP.CO.IN & ORS.

.....Defendants

Through: Mr. Arvind Singh Negi Adv. proxy Counsel for Mr. Jaspreet Singh Adv. for D-6

Mr. Krishan Rawat, Advocate for D-8

Mr. Sagar Aggarwal & Ms. Kanika Baweja, Advocate for D-9

Mr. Mrinal Ojha, Mr. Debarshi Dutta, Mr. Arjun Mookerjee and Ms. Nikita Rathi, Advocates for D-19

Ms. K.M. Monika and Mr. Krishna Kumar Sharma, Advocates for D-13 in I.A. 39284/2024

Mr. Santosh Kumar Rout, SC, PNB with Mr. B. N. Mishra, Ms. Dharma Veragi for D-11

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
12.09.2024

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I.A. 39284/2024-O 6 R 17 for amendment of plaint

1. By virtue of the present application, the plaintiffs seek amendment of the plaint in terms of the fresh averments made in the para 6 of the present application.
2. For the reasons stated as also in view of the fresh developments which have taken place only after institution of the present suit and as the issues involved are germane/ connected with the pending suit, the present application is allowed.
3. Let the amended plaint filed alongwith the present application be taken on record.
4. Accordingly, the present application stands disposed of.

CS(COMM) 419/2024

5. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the Joint Registrar on 01.10.2024 .
6. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by all the defendants along with affidavit(s) of admission/ denial of documents of the plaintiffs, without which the written statement(s) shall not be taken on record.
7. Replication(s) thereto, if any, be filed by the plaintiffs within a period of *fifteen days* from the date of receipt of written statement(s). The said replication(s), if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.



8. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

9. List before the Joint Registrar for completion of pleadings on 01.10.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

10. List before the Court on the date already fixed i.e 24.10.2024.

I.A. 35874/2024- Stay

11. Although, the present application is not listed today, however, in view of the urgency involved, learned counsel for the plaintiffs urges this Court to take up the present application and pass appropriate *ex-parte ad-interim* directions against the newly impleaded defendants.

12. In view of the aforesaid, since the already impleaded defendants have already been enjoined vide an order of *ex-parte ad-interim* injunction dated 20.05.2024 passed by this Court involving the very same issues as involved in the present application and the plaintiffs are seeking the extension of the same directions/ reliefs to the newly impleaded defendants, it is felt just and appropriate to take on board the present application.

13. For the aforesaid reasons and in view of the factual matrix involved as also the earlier order dated 20.05.2024 passed by this Court, till the next date of hearing, the following directions are passed qua the newly impleaded defendants as under:-



a. Defendant No. 17-18 are infringing the plaintiff's



trademarks TATA, TATA POWER, TATA



POWER SOLAROOFF, their

owners, proprietors, employees, partners, representatives and/ or others acting for and on their behalf are restrained



from using the trade marks TATA, TATA POWER, TATA POWER SOLAROOFF,



or any deceptively similar variant

thereof.

b. The defendant nos. 19 and 20 are directed to block the access and suspend the impugned domain names www.tatapowersolars.org and www.tatapowersolarroof.com & associated email address/es infringement of plaintiffs trade marks as also disclose the contact particulars and KYC details of the registrants;

14. Learned counsel for the plaintiffs based on an e-mail dated



08.08.2024 received from newly impleaded defendant no.20, has apprised, that the domain name *www.tatapowersolarroof.com* has since been suspended, so at this stage, he does not wish to pray for any other relief against the said defendant.

15. Provisions of *Order XXXIX Rule 3* of CPC be complied within one week from the receipt of this order.

16. List before the Court on the date already fixed i.e 24.10.2024.

SAURABH BANERJEE, J

SEPTEMBER 12, 2024/akr



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

+ **CS(COMM) 419/2024**

TATA POWER SOLAR SYSTEMS LIMITED & ANR.....Plaintiffs

Through: Mr. Peeyoosh Kalra, Mr. C. A. Brijesh and Mr. Krishna Gambhir, Advs.

versus

WWW.TATAPOWERSOLARDEALERSHIP.CO.IN & ORS.

.....Defendants

Through: Mr. Mrinal Ojha, Mr. Debarshi Dutta, Ms. Nikita Rathi and Mr. Rishabh Agarwal, Advs.
Mr. Dileep Poolakkot, Adv.
Mr. Krishna Kr. Sharma and Ms. K. M. Monika, Advs. for D-13

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

19.09.2024

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I.A. 39925/2024-by plaintiffs seeking modification of order dt. 12.09.2024

1. By virtue of the present application, plaintiffs seek modification of the order dated 12.09.2024, since prayer clause (c) to (f) of IA No.35874/2024 were not included.
2. Considering that this Court had already granted the same reliefs to the already impleaded defendants *vide* order dated 20.05.2024 as also since there is an inadvertent typographical error in the aforesaid order, the present application is allowed and the following sub-paragraphs are also added in paragraph 13 of the order dated 12.09.2024 as under:-



c. *defendant No.5 is directed to block the mobile numbers +91-7761081072; +91-7773055096 and +91-8420553761 and to provide details of the owners of the said mobile numbers;*

d. *defendant No.7 (Canara Bank) is directed to seize the bank accounts bearing account numbers 110177058203 and 110182430078 and provide details of the respective account holders and documents thereto including bank statements, identity proofs and registration form, etc. available with the Bank;*

e. *defendant No.11 (Punjab National Bank) is directed to seize the bank account bearing account number 5866000100059983 and provide details of the respective account holder and documents thereto including bank statement, identity proof and registration form, etc. available with the Bank;*

f. *the defendant No.15 (DOT) and defendant No.16 (MEITY) are directed to issue notifications calling upon the various internet and telecom service provider registered under it to block access to the impugned domain names www.tatapowersolar.org and www.tatapowersolarroof.com identified by the plaintiffs.*

3. Needless to say the order dated 12.09.2024 and the present order will be read in conjunction with each other.

4. Accordingly, the present application stands disposed of with the aforesaid terms.

I.A. 39926/2024-Extension of time for compliance of order XXXIX R 3 of CPC

5. By virtue of the present application, plaintiffs seek extension of time for compliance of the provisions of Order XXXIX Rule 3, CPC.



6. Considering the earlier order of injunction dated 12.09.2024 granted in favour of the plaintiffs has been modified today as also in view of the reasons stated in the application, the present application is allowed and the time for compliance of the provisions of *Order XXXIX Rule 3 CPC* is extended for a period of one week.

7. Accordingly, the present application stands disposed of.

CS(COMM) 419/2024

8. List before the Court on the date already fixed i.e. 24.10.2024.

SAURABH BANERJEE, J

SEPTEMBER 19, 2024/rr

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORIGINAL COMMERCIAL JURISDICTION)

C.S. (COMM) No. OF 2024

CATEGORY CODE: 50000

IN THE MATTER OF:

Tata Power Solar Systems Limited & Anr. ...Plaintiffs

VERSUS

www.tatapowersolardealership.co.in & Ors. ...Defendants

MEMO OF PARTIES

1. Tata Power Solar Systems Limited
Corporate Center B, 34, Sant Tukaram Road,
Carnac B, Mumbai, Maharashtra – 400009
Email: remfrylitigations@remfry.com ...Plaintiff No. 1
2. Tata Sons Private Limited
Bombay House 24, Homi Mody Street,
Mumbai, Maharashtra – 400001
Email: remfrylitigations@remfry.com ...Plaintiff No. 2

VERSUS

1. www.tatapowersolardealership.co.in
info@tatapowersolardealership.co.in ...Defendant No. 1
2. www.tatapowersolars.com
help@tatapowersolars.com
info@tatapowersolars.com
sales@tatapowersolars.com
official@tatapowersolars.com ...Defendant No. 2

3. Ashok Kumar/s (John Doe/s)
+91-9109840660; +91-7384040589;
+91-7501191497 and +91-9163594301 ...Defendant No. 3
4. Hosting Concepts B.V. d/b/a Openprovider
Space Business Centre, Hofplein 20,
3032 AC Rotterdam, The Netherlands
grievance-officer@openprovider.in;
support@openprovider.in ...Defendant No. 4
5. Bharti Airtel Limited
Airtel Center, Plot No. 16,
Udyog Vihar, Phase-IV, Gurgaon,
Haryana – 122015
compliance.officer@bharti.in ...Defendant No. 5
6. Bank of India
Star House, C-5, G Block,
Bandra-Kurla Complex, Bandra (East)
Mumbai – 400051
complaint.vigilance@bankofindia.co.in ...Defendant No. 6
7. Canara Bank
112 J C Road,
Bengaluru – 560002
hocss1@canarabank.com ...Defendant No.7
8. Central Bank of India
Chander Mukhi,
Nariman Point, Mumbai – 400021
zmmmzo@centralbank.co.in ...Defendant No. 8




9. Indian Overseas Bank
P.B. No.: 3765, 763,
Anna Salai, Chennai – 600002
cybercell@iob.in ...Defendant No. 9
10. Federal Bank of India
P.B. No. 103,
Federal Towers, Aluva,
Kochi, Kerala – 683101
contact@federalbank.co.in ...Defendant No. 10
11. Punjab National Bank
Plot No 4, Sector -10,
Dwarka New Delhi -110075
care@pnb.co.in ...Defendant No. 11
12. Bank of Maharashtra
Lokmangal, 1501,
Shivajinagar, Pune – 411005
hocomplaints@mahabank.co.in ...Defendant No. 12
13. State Bank of India
14th Floor, State Bank Bhavan,
Madame Cama Road,
Mumbai – 400021
customercare@sbi.co.in ...Defendant No. 13
14. UCO Bank
10, B T M Sarani,
Kolkata, West Bengal - 700 001
holaw.calcutta@ucobank.co.in ...Defendant No. 14

15. Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road,
New Delhi 110001
ddgit-dot@gov.in ...Defendant No. 15
16. Ministry of Electronics and Information Technology
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi 110003
cyberlaw-legal@meity.gov.in ...Defendant No. 16

Note:

1. Defendant No. 1 is the main contesting Defendant in the Suit.
2. Plaintiff No 1 and Plaintiff No 2 are all part of the same group. Further the reliefs are being sought by all the Plaintiffs together. Plaintiffs are not seeking separate damages and therefore the court fees have been filed accordingly.

Through

Remfry & Sagar
Counsel for the Plaintiff




(C.A. Brijesh) (Krisna Gambhir) (Simranjot Kaur)
K/1373/1998 D/4042/2019 D/29/2023

Advocates
Counsel for the PlaintiffRemfry & Sagar
Attorneys-at-Law,
Remfry House at the Millennium Plaza
Sector 27, Gurgaon-122009
Mobile No. 8506906111
remfrylitigations@remfry.com

Place: New Delhi

Date: 16.05.2024

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.