

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-27/2022-DS-II

Dated:#ApprovedDate#
26.11.2024

To,
All Internet Service Licensees'

Subject: CS Comm No. 447 of 2022; Havells India Ltd. & Anr V/s Ashok Kumar/John Doe & Ors. before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated 11.11.2024 the subject matter.

- (ii) Please refer to the **para 12 and 13** of the said court order in respect of blocking of **website** enumerated in **para 12** of the aforesaid court order.
- (iii) 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.



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. Mr. Rakesh kumar (rakeshkumarcgsc@gmail.com), learned Central Government Standing Counsel for kind information.
- iii. Mr. Kunal Vats , (kunal@singhandsingh.com) Plaintiff Advocate for kind

information. [Requested to take action as per the Annexure.]

iv. IT wing of DoT for uploading on DoT website.



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

+ **CS(COMM) 447/2022 & I.A. No. 44551/2024**

HAVELLS INDIA LTD & ANR.Plaintiffs

Through: Mr. Rohan Swarup with Mr. Sudeep Chatterjee and Mr. Sanyam Suri, Advocates.
(M): 8930707070
Email: sanyam@singhandsingh.com

versus

ASHOK KUMAR/ JOHN DOE & ORS.Defendants

Through: Mr. Kumar Vishwjeet, Advocate for defendant no. 16/Canara Bank.
(M): 9718909886
Mr. Parva Khare, Advocate for defendant nos. 3 and 8.
(M): 9911983636
Ms. Aishwarya Kane with Mr. Yash Raj, Advocates for defendant no. 4.
(M): 9910083144
Email: aishwarya@ira.law
Mr. Neel Mason with Mr. Vihan Dang, Mr. Ujjawal Bhargava, Mr. Aditya Mathur and Ms. Anuparna Chatterjee, Advocates for defendant no. 10.
(M): 9330543225
Mr. Rakesh Kumar, CGSC with Mr. Sunil, Advocate for defendant no. 11 and 12.
(M): 9811549455
Email: rakeshkumarcgsc@gmail.com
Mr. Praveen Kumar Jain, Advocate with Mr. Jayakiran. C, Legal Officer



for National Internet Exchange of
India for defendant no. 13.
(M): 9871278525
Email: pkj@lawyer.com
Mr. Krishan Kumar with Mr. Seemant
K Garg and Mr. Nitin, Advocates for
defendant no. 15.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
11.11.2024

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I.A. No. 44551/2024 (Application under Order XXXIX Rule 2A)

1. The present application has been filed on behalf of the plaintiffs under Order XXXIX Rule 2A read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") for appropriate orders against defendant nos. 11 and 12 for disobedience of orders dated 06th July, 2022, 13th December, 2023 and 03rd April, 2024 passed by this Court.

2. It is submitted that the present suit relates to unauthorized and illegal use of plaintiffs' registered trademark 'HAVELLS',

HAVELLS, LLOYD, **LLOYD**, and their variants by various unknown defendants, in such a manner that the said trademark 'HAVELLS'/'LLOYD' is being used in domain names for the purpose of defrauding and duping the innocent members of the general public.

3. It is submitted that vide order dated 06th July, 2022, this Court had granted an *ad-interim* injunction in favour of the plaintiffs and against the defendants, thereby *inter alia*, restraining the defendant nos.1 and 2 from



using in any manner, the plaintiffs' registered trademarks HAVELLS and LLOYD, in respect of fraudulent domain names.

4. It is submitted that keeping in account the nature of the present suit, this Court confirmed the injunction orders dated 06th July, 2022 and 13th December, 2023, vide order dated 03rd April, 2024.

5. Learned counsel appearing for the plaintiffs submits that on 03rd October, 2024, the plaintiffs learnt that a new rogue website/domain name had come to light, which was being used to deceive the members of general public in purchasing fake and non-existing franchises/dealership of the plaintiffs. The plaintiffs immediately wrote an email to defendant nos. 11 and 12 requesting them to forthwith lock the said impugned domain name/website, i.e., <https://havellsonlinedealership.com/>.

6. It is submitted that further reminder emails to defendant nos. 11 and 12 were written on 22nd October, 2024 and thereafter on 25th October, 2024. However, the defendant nos. 11 and 12, have failed to perform their obligation.

7. Issue notice.

8. Notice is accepted by learned counsels appearing for various defendants, including defendant nos. 11 and 12 and defendant no. 4.

9. Learned counsel appearing for defendant nos. 11 and 12 submits that requisite letters have already been issued to the Internet Service Licensees.

10. Learned counsel appearing for defendant no. 4 on advance notice, submits that there is no non-compliance by defendant no. 4, and defendant no.4 has not violated any directions of this Court. She further submits that there are no allegations against defendant no. 4.

11. The aforesaid statements on behalf of defendant nos. 11 and 12 and 4



are noted.

12. Considering the submissions made before this Court, the defendant no. 4 is directed to lock and suspend the impugned domain name i.e. <https://havellsonlinedealership.com/>.

13. Further, it is directed that defendant nos. 11 and 12 will act expeditiously in future, in case, any infringing activity is brought to their notice, by the plaintiffs.

14. With the aforesaid directions, the present application is disposed of.

MINI PUSHKARNA, J

NOVEMBER 11, 2024

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(Ordinary Commercial Jurisdiction)

I.A NO. OF 2023

IN

CS (COMM) NO. 447 OF 2022

NDOH: 05.07.2023 (before JR)

IN THE MATTER OF:

Havells India Ltd & Anr.

...Plaintiffs

Versus

Ashok Kumar/ John Doe & Ors.

...Defendants

NOTICE OF MOTION

To,

1. **CPUTEK PRIVATE LIMITED**
Through its Directors,
80, Silpara Road,
Vidyasagar Sarani Purba Barisha,
Kolkata, West Bengal – 700008
Email: connect.fintax@gmail.com, info@cputek.in
Ph: 8013920772, 9674766475
2. **GODADDY.COM, LLC,**
2155 East GoDaddy Way,
Tempe, AZ 85284,
United States of America
Email: HQ@godaddy.com
Ph.: 040-67607600
3. **HOSTING CONCEPTS B.V. D/B/A**
OPENPROVIDER
Willem Buytewechstraat 40 Rotterdam,
ZH 3024 BN, Netherlands
Email: shiwale@openprovider.nl

Ph.: 1-703-948-3200

Also at:

3rd floor, Prudential Building Prudential IT Park,
Central Avenue Powai Mumbai City
Maharashtra 400076

4. NAMECHEAP, INC
600 East Washington Street,
Suite 305
Phoenix, Arizona 85034,
USA
Email: support@namecheap.com
Ph.: (661) 3102107
5. DREAMSCAPE NETWORKS
INTERNATIONAL PVT. LTD.,
3, Irving Road #09-01
Singapore 369522
Email: legal@dreamscapenetworks.com
Ph.: +65 69147880
6. HOSTINGER INTERNATIONAL, LTD
Jonavos G. 60C,
Kaunas, Kaunas County
Lithuania
Email: abuse@hostinger.com
Ph.: +37064503378
7. DOMAIN BY PROXY
2150 East. Warner Rd.
Tempe, AZ 85284,
United States of America
Email: courtdisputes@godaddy.com
Ph.: (480) 624-2546

8. PRIVATE REGISTRY AUTHORITY
Suite 200, Executive Tower.
11400 West Olympic Boulevard, Los Angeles CA
United States of America
Email: info@privateregistryauthority.com
Ph.: +1 213 5592459

9. GOOGLE LLC
1600, Amphitheatre Parkway,
Mountain View, CA 94043,
United States of America,
Email: support-in@google.com
Ph: (650) 253-0000

10. DEPARTMENT OF TELECOMMUNICATION,
Through Secretary, Ministry of Communications and
IT,
20, Sanchar Bhawan Ashoka Road,
New Delhi – 110001
Email: secy-dot@nic.in, dirds2-dot@nic.in

11. MINISTRY OF ELECTRONICS
AND INFORMATION TECHNOLOGY
Through the Director General (DIT) Cyber Laws & e-
security),
Electronics Niketan, 6, CGO Complex,
Lodi Road, New Delhi-110003
E-mail IDs: cyberlaw@meity.gov.in ,
gccyberlaws@meity.gov.in, pkumar@meity.gov.in,
sathya.s@meity.gov.in; webmaster@meity.gov.in

12. NATIONAL INTERNET EXCHANGE OF INDIA
9th Floor, B-Wing,
Statesman House,
148, Barakhamba Road,
New Delhi-110 001 India

Email: customercare@nixi.in

13. UCO BANK
Head Office
No 5, Sansad Marg,
Pandit Pant Marg Area, Sansad Marg Area,
New Delhi, Delhi 110001
Email: parlia@ucobank.co.in
Ph.: 18001030123
14. IDBI BANK LTD.
IDBI Bank Ltd. IDBI Tower, WTC Complex,
Cuffe Parade, Colaba, Mumbai 400005.
Email: cmd@idbi.co.in
Ph.: 022-22185320
15. CANARA BANK No.38, Ansal Towers,
Nehru Place, Delhi 110019
E-mail: vigilancewing@canarabank.com
Ph.: 080-22127266
16. BHARTI AIRTEL LTD.
Airtel Centre, Tower-A,
6th Floor 'A' Wing, Plot No.16,
Udyog Vihar, Ph-IV, Gurgaon-122016,
E-Mail: amit.bhatia@airtel.com
Ph; 9810879712
17. VODAFONE IDEA LIMITED
House, Peninsula Corporate Park,
Ganpatrao Kadam Marg, Lower Parel,
Mumbai - 400 013 India

Also At:

Birla Centurion, 10th Floor,
lot No.794, B Wing,

Pandurang Budhkar Marg, Worli,
Mumbai – 400030, India
E-mail IDs: Smitha.Menon@vodafoneidea.com;
pankaj.kapdeo@vodafoneidea.com; and
Radhika.gokhale@vodafoneidea.com
Ph.: 095940 04000

Kindly take note that the accompanying application is being filed before the Hon'ble High Court of Delhi and the same is likely to be listed on 04.05.2023 or thereafter. Please take notice accordingly.



SINGH & SINGH LAW FIRM LLP
SUDEEP CHATTERJEE
(D/298/2005)
Counsels for the Plaintiffs
C-139, Defence Colony,

Date: 03.05.2023

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.