

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: 28.05.2024

04.06.24

To,

All Internet Service Licensee

Subject: CS (COMM) No. 419 of 2024 Tata Power Solar Systems Limited & Anr. v. www.tatapowersolardealership.co.in & Ors. Before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated 20.05.2024 on the subject matter.

2. Please refer to the **para 31** 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.



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) Krisna Gambhir" <Krisna.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. Krisna
Gambhir and Ms. Simranjot Kaur,
Advocates.

versus

WWW.TATAPOWERSOLARDEALERSHIP.CO.IN & ORS.

.... Defendants

Through: Mr. Sarfaraz Khan and Mr. Mirza
Amir Baig, Advocates for D-14.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

20.05.2024

I.A. 29730/2024 (exemption from serving an advance copy to Defendant Nos. 1 to 3)

1. The Plaintiffs allege that Defendant Nos. 1 to 3 are perpetrating fraud on the general public by creating a false association with the Plaintiff, resulting in grave financial losses to the public. Considering the nature of controversy involved in the present suit as well as the peculiar facts and circumstances of the case, exemption from effecting advance service on Defendant Nos. 1 to 3 is allowed.

2. Disposed of.

I.A. 29732/2024 (seeking exemption from filing certified copies, typed copies of dim documents and documents with improper double space/margins and translated copies of the annexures)

3. Exemption is granted, subject to all just exceptions.

4. The Plaintiffs shall file legible and clearer copies of exempted



documents, compliant with practice rules, before the next date of hearing.

5. Disposed of.

I.A. 29731/2024 (seeking exemption from filing original documents)

6. Exemption allowed. Subject to all just exceptions. The original documents be filed within a period of two weeks from today.

7. Disposed of.

I.A. 29733/2024 (seeking exemption from exhausting the remedy of pre-institution mediation)

8. As the present suit contemplates urgent interim relief, in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,¹ exemption from attempting pre-institution mediation is granted.

9. Disposed of.

I.A. 29734/2024 (seeking leave to file additional documents)

10. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015.

11. Applicants, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the said Act.

12. Disposed of.

I.A. 29735/2024 (seeking exemption from effecting advance notice on Defendant Nos. 15 and 16)

13. Issue notice to Defendants No. 15 & 16, by all permissible modes, upon filing of process fee, returnable on the next date of hearing. Reply, if any, be filed within four weeks from the date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.

14. Re-notify on 24th October, 2024.

¹ 2023 SCC OnLine SC 1382.



I.A. 29736/2024 (seeking extension of time for filing court fees)

15. The Court fees has been deposited with the Registry and the e-court fee certificate is likely to be issued shortly. Accordingly, the time period to file deficient court fee is extended by a period of one week from today.

16. Disposed of.

CS(COMM) 419/2024

17. Let the plaint be registered as a suit.

18. Issue summons. Summons are accepted by Mr. Sarfaraz Khan, counsel for Defendant No. 14. He confirms the receipt of paperbook, and waives the right of formal service of summons. Written statement shall be filed by the Defendant No. 14, within 30 days from today.

19. Upon filing of process fee, issue summons to the remaining Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of service. Along with the written statement(s), the Defendants shall also file an affidavit(s) of admission/denial of the documents of the Plaintiffs, without which the written statement(s) shall not be taken on record.

20. Liberty is given to the Plaintiffs to file a replication(s) within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiffs, affidavit(s) of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.



21. List before the Joint Registrar for marking of exhibits on 21st August, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

22. List before Court for framing of issues thereafter.


I.A. 29729/2024 (under Order XXXIX Rule 1 & 2 r/w Section 151 of CPC)

23. Mr. Peeyoosh Kalra, counsel for Plaintiffs, presents the following facts and submissions seeking *ex parte ad interim* injunction against Defendants No. 1 to 3:

23.1. Plaintiff No. 1, a part of the TATA Group of Companies, is a solar module manufacturer and provides innovative solar power solutions to consumers across the industry and the general public, such as manufacture and sale of solar photovoltaic (PV) modules, installation of Grid-Connected Solar Rooftop Power plants, etc. Plaintiff No. 2 is the parent company of Plaintiff No. 1 and is the registered proprietor of the trademark “TATA”. In September, 2012, Plaintiff No. 1 entered into a Brand Equity and Business Promotion agreement with Plaintiff No. 2 which grants them the right to use the trademark/brand name “TATA”.

23.2. Plaintiffs are the registered proprietors of the trademarks “TATA”,



“TATA POWER”, “” and other formative trademarks², under various classes in relation to solar energy solutions. The Plaintiff also has a registered domain name “www.tatapowersolar.com” and promotes and advertises its products and services through its website “www.tatapowersolar.com”. Plaintiffs have been continuously, extensively

² “Plaintiffs’ trademarks”



and widely using their trademarks in relation to their products/services since February, 2020, and the said trademarks are exclusively associated with Plaintiff No. 1.

23.3. On account of the long, continuous and wide use and promotion of the Plaintiffs' trademarks, it has earned substantial goodwill and reputation in the industry. This fact is evidenced by the Plaintiff's financial highlights for the last four years, which are tabulated in Paragraph No. 18 of the present application, and indicate that in FY 2023-24, Plaintiff had a sales turnover of INR 1907 crores. Additionally, the Plaintiff has also incurred substantial amounts of money in advertising and promoting its brands and business, details of which are also delineated in Paragraph No. 18 of the Application.

23.4. Plaintiffs' grievance in the present suit, arises from the unauthorised use of the Plaintiffs' trademarks by Defendant Nos. 1 to 3, who are individuals operating a fake dealership of the Plaintiff's products to dupe prospective dealers/customers by incorporating the Plaintiff's trademarks in their domain names, email addresses, communications, fake dealership letters/letters of intent, etc. Defendant No. 1 and 2 are the registrants of the domain names "www.tatapowersolardealership.co.in", and "www.tatapowersolars.com"³ respectively. These domain names and associated websites claim to be providing services of the Plaintiffs and/or claim to be the authorised dealers/distributors of the Plaintiff. Defendant No. 3 is/are the unknown person(s), who are engaging in infringing activities by approaching victims *via* the mobile numbers +91-9109840660; +91-7384040589; +91-7501191497; +91-9163594301, however, their identity(ies) is/are not known and cannot be ascertained by the Plaintiff, as



such, they have been impleaded as Ashok Kumar/John Doe(s)⁴. Defendant No. 4, Hosting Concepts B.V. is the Domain Name Registrar for the impugned domain names, whereas Defendant Nos. 5 to 14 are Telecom Service Provides and Head Offices of Banks corresponding to the account numbers where the victims have sent sums of money. Defendant Nos. 15 & 16 are the Department of Telecommunications and Ministry of Electronic Information & Technology respectively. Defendant Nos. 5 to 16 have been impleaded for the limited purpose of ensuring compliance with the orders of this Court.

23.5. Between February, 2024 to April, 2024, the Plaintiff was alerted that many innocent persons were duped into parting with sums of money, by Defendants No. 1 to 3, on the false promise of either providing services of the Plaintiffs and/or becoming an authorised dealer/distributor of the Plaintiffs. The modus operandi of the fraud perpetuated by Defendants No. 1 to 3 is to approach victims *via* WhatsApp accounts, mobile numbers and email addresses associated with the impugned domain names, claiming to be employees of Plaintiff No. 1, and offer services and/or providing distributorships pf the Plaintiff No. 1, with the ulterior motive of collecting money for such services. For this purpose, Defendant Nos. 1 to 3 also furnish bank account details to receive amounts sought from victims. The details of the different bank account numbers used by Defendant Nos. 1 to 3 and their associated banks are delineated in Paragraph No. 22 of the application. It is pertinent to note that even though Defendant No. 1's website is currently not available on its domain name, however, they

³ "Impugned domain names"

⁴ Hereinafter, any reference to "Defendant No. 3" refers to unknown person(s), who have been impleaded



continue to use the Plaintiffs' trademark as part of their email communications.

23.6. In order to perpetuate the fraud and in order to appear legitimately and genuinely associated with the Plaintiff, Defendant Nos. 1 to 3 have sent fabricated employee IDs, dealership letters/letters of intent, certificates, confirmation letter, invoices etc., bearing the Plaintiff's trademarks, to the victims. Illustratively some of the aforementioned documents are depicted as follows:



LETTER OF INTENT

Ref: REDF/24/LOI/0216345.

Date: 12/02/2024

To,
MR. Korra Jyothi
W/o :-Ramulu,Aadhar No:-8880 8736 8374
Add:- H.No.: 3-3,Bikkuthanda,Somulagudem,Palwanacha,patna paloncha,Khammam
Andhra Pradesh: 507115
Contact- +91 9553719241

Subject:- Residential Proposal for installation on Grid-Connected Solar Rooftop Power plant 5 Kilowatts

Dear Sir,
We refer to our advertisement on website and your application form No. REDF/2024/00302 for the award of "Tata power Solar Roof Limited" solar system at the above location. Please be informed that by this Letter of Intent (LOI), registration form and your documents have been accepted and verified by our document verification team and sales team. This LOI assure you that Tata Power solar roof is agree to give you solar system at your proposed location because of the following reasons.

IBI You are capable to invest the required investment and to provide the required space for tata solar roof system . IBI Sales report of your district/area is found to be satisfactory in Renewable Energy Industry.
IBI You have offered a prime location for the "Tata Solar System".

We are assigning you our representative Mr. Deepak Sinha (Asst. Manager- Sales and Marketing) for all the further paper work process. Kindly proceed the Tata Solar Roof System allotment process and cooperate with the company to complete the paper work.

Kindly pay the Registration Fee of 3,500/- (Three Thousand Five Hundred Rupees Only) in the favor of "Tata Solar System Limited" by NEFT/RTGS in the account details .

Thanks & Regards
Tata Solar System Limited



34, Sant Tukaram Road, Carnac Sunder, Mumbai, Maharashtra, PIN - 400 009
Email : subsidy@tatapowersolarroof.com

“

”

as Ashok Kumar/John Doe(s).



TATA POWER SOLAR


FRANCHISE CERTIFICATE

REG NO: TPS0543N34020
M/S KIRAN PRAKASH CHAVHAN
Location: AT. GARKHEEDA THER JAMNER DIST. JALGAON MAHARASHTRA 424206

Are the Authorized Distributorship
TATA POWER SOLAR LTD.

APPROVED

A/C NO.5540938159
IFSC CODE: CBIN000028
CENTRAL BANK OF INDIA



TATA POWER SOLAR DEALERSHIP DISTRIBUTORSHIP

TATA POWER SOLAR

Email: info@tatapowersolardealership.co.in

CONFIRMATION LETTER

REG. NO. :- TPS0543N34020

Dear, KIRAN PRAKASH CHAVHAN
your all document verified successfully, and your **TATA POWER SOLAR LTD.** Distributorship Shop, is confirmed. So kindly do your registration process. You have applied for Tata Power Solar Ltd. Registration security Amount Rs 25960.in the favour of **TATA POWER SOLAR LTD.** . After your payment is confirmed than company will give you registration certificate.

You have to pay on this given bank account details of **TATA POWER SOLAR LTD.** through NEFT / RTGS/IMPS/OnlinePayment

1.	Name	KIRAN PRAKASH CHAVHAN
2.	Email	chavhankiran370@gmail.com
3.	Mobile No.	9322541650
4.	District	JALGAON
5.	State	MAHARASHTRA
6.	Landmark	NO
7.	Pin code	424206
8.	Address	AT. GARKHEEDA TALUKA. JAMNER DIST. JALGAON
9.	Status	APPROVED
10.	Bank Details	Beneficiary Name:- TATA POWER SOLAR LTD Account No: 18290100048882 IFSC Code: FDRL0001385 Branch Name: MUMBAI Bank Name: FEDERAL BANK

Regards,

TATA POWER SOLAR FRANCHISE DEALERSHIP

Authorized Signatory

BRUNO MEAN
Mr. MAHARAJ




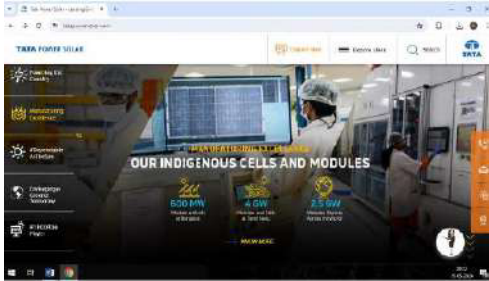

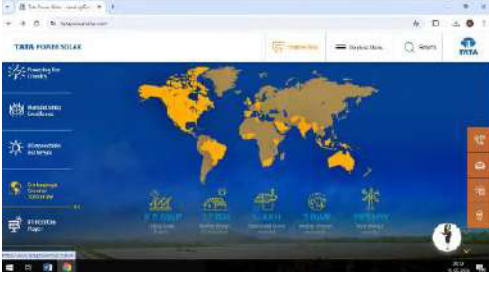

23.7. In view of the above, and considering the nature and extent of the fraud perpetrated by Defendant Nos. 1 to 3, the Plaintiffs seek leave of this Court to implead other unnamed defendants, as and when they become known, and are found to be indulging in similar activities of infringing on the Plaintiff's trademark and passing off the same as being genuinely associated with the Plaintiff, with the motive to dupe or defraud the public.

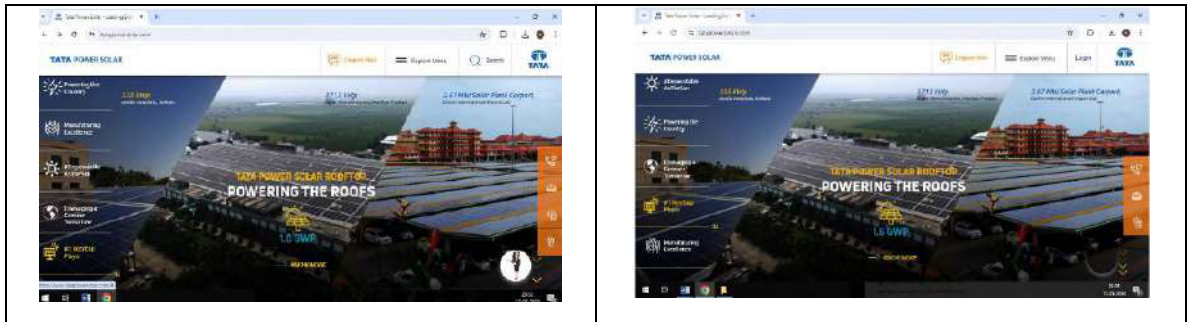


24. The Court has considered the afore-noted facts, submissions and documents placed on record by the Plaintiff. On a *prima facie* assessment, it is established Plaintiffs are the registered proprietors of the trademarks



“TATA”, “TATA POWER” and the logo “”. As such, only the Plaintiffs and any person duly authorised by them can use the said trademarks. Further, Defendants No. 1 to 3 falsely claim to be the authorised employees/dealers of the Plaintiff, going so far as to furnish fabricated documents and employee ID cards, which bear the Plaintiffs’ trademarks so as to pass off the services offered by them as genuinely coming from the Plaintiff. A comparison of the Plaintiffs’ original website and Defendant No. 2’s impugned domain is as follows:

<p align="center">Plaintiff’s domain</p> <p align="center">www.tatapowersolar.com</p>	<p align="center">Defendant No. 2’s domain</p> <p align="center">www.tatapowersolars.com</p>
	
	




25. From the above, it is evident that Defendant No. 2's website is an exact replica of the Plaintiff's authentic website. The only discernable difference is the lack of the animated character of the website guide at the bottom right side of the website. The manner of misuse of the Plaintiffs' trademark and infringement of their trademark is further evident from the communication being sent by them as mentioned hereinabove. Considering the substantial goodwill and reputation of the Plaintiff and the fact that the services offered by them are highly technical and expensive, the misuse of the Plaintiffs' trademarks by Defendant Nos. 1 to 3 is deceitful, *malafide* and intended to wrongfully and illegally gain monetary sums from the public. This unauthorised use of the Plaintiffs' trademarks, *prima facie*, amounts to infringement and passing off.

26. In light of the above, the Court finds that Plaintiffs have made out a *prima facie* case in their favour and in case no *ex-parte* ad-interim injunction is granted, the Plaintiffs will suffer an irreparable loss; balance of convenience also lies in favour of the Plaintiffs and against the Defendants.

27. Accordingly, till the next date of hearing, the Defendant Nos. 1 to 3 and/or any other person acting on their behalf, are restrained from using the Plaintiffs' trademarks "TATA", "TATA POWER", "TATA POWER



SOLARROOF”/ “  ”, other formative marks or any other deceptively similar mark, that would amount to infringement or passing off of Plaintiff’s registered trademarks.

28. Defendant No. 4, the Domain Name Registrar, is directed to block and suspend the impugned domain names www.tatapowersolardealership.co.in and www.tatapowersolars.com. They shall, within four weeks from the date of this order, file in a sealed cover, the complete details concerning the registrants of the aforesaid domain names, including KYC details of the registrant, as available with them. A copy of the said documents shall also be provided to counsel for Plaintiffs, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

29. Defendant No. 5, Bharti Airtel Limited, is directed to temporarily block the mobile numbers +91-9109840660; +91-7384040589; +91-7501191497; +91-9163594301. They shall, file in a sealed cover, the details of respective persons in whose name the above phone numbers are registered, including KYC documents. A copy of the said documents shall also be provided to counsel for Plaintiff, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

30. Defendant Nos. 6 to 14, the various banks where Defendant Nos. 1 to 3 have bank accounts, are directed to freeze the respective bank accounts numbers mentioned at Paragraph No. 22 of the application. Each bank shall identify which of these bank account numbers are registered with them and implement the seizing order accordingly. They shall, within three weeks from the date of this order, file in a sealed cover the information, including KYC documents, pertaining to the bank account holders of the aforementioned



bank accounts. A copy of the said documents shall also be provided to counsel for Plaintiffs, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

31. Defendant No. 15 and 16, Department of Telecommunications and Ministry of Electronics and Information Technology respectively, are directed to issue necessary directions to the telecom service providers and internet service providers to block access to the websites www.tatapowersolardealership.co.in and www.tatapowersolars.com, as identified by the Plaintiffs.

32. In light of the above, Defendant Nos. 4 to 16 are also directed to file compliance affidavit within a period of three weeks from today.

33. Issue notice. Mr. Sarfaraz Khan, counsel for Defendant No. 14, accepts notice. Reply, if any, be filed within four weeks from the date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.

34. Issue notice to the remaining Defendants, by all permissible modes, upon filing of process fee, returnable on the next date of hearing. Reply, if any, be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

35. Compliance of Order XXXIX Rule 3 of CPC be done with one week from today.

36. List before the Court on 24th October, 2024.

SANJEEV NARULA, J

MAY 20, 2024/as

Fwd: - CS (COMM) 419 of 2024 | Order XXXIX Rule 3 CPC, 1908 Compliance | CAB/KGA/TL/2024/10186

From : Abhinesh Meena <abhinesh.meena@gov.in>
Subject : Fwd: - CS (COMM) 419 of 2024 | Order XXXIX Rule 3 CPC, 1908 Compliance | CAB/KGA/TL/2024/10186
To : ABHISHEK PANDEY <abhishkek.pandey95@govcontractor.in>

Tue, May 28, 2024 10:29 AM

2 attachments

With Regards,

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

==== Forwarded message =====

From: Cyber Law Legal <cyberlaw-legal@meity.gov.in>
To: "Abhinesh Meena" <abhinesh.meena@gov.in>
Cc: "Dr Sandip Chatterjee MeitY" <Sandip@meity.gov.in>, "V Chinnasamy" <chinnasamy.v@meity.gov.in>, "Nagarajan N" <nagarajan.n@meity.gov.in>, "Devanshu Gupta" <devanshu.gupta@govcontractor.in>, "Avneet Toor Gupta" <avneett.g@govcontractor.in>
Date: Mon, 27 May 2024 12:25:59 +0530
Subject: Fwd: Order dated May 20, 2024 | Lawsuit Papers | Tata Power Solar Systems Limited & Anr. v. www.tatapowersolardealership.co.in & Ors. | High Court of Delhi - CS (COMM) 419/2024 | Order XXXIX Rule 3 CPC, 1908 Compliance | CAB/KGA/TL/2024/10186

==== Forwarded message =====

Dear Sir,

Request your attention to the trailing email as under. Please review it and take the necessary action as required.

Further, please also inform us once the directions of the Hon'ble Court have been complied with.

Copy of the order of the Hon'ble Court is attached for your convenience.

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

From: "Krisna Gambhir" <Krisna.Gambhir@remfry.com>
To: info@tatapowersolardealership.co.in, help@tatapowersolars.com, info@tatapowersolars.com, sales@tatapowersolars.com, official@tatapowersolars.com, grievance-officer@openprovider.in, support@openprovider.in, "Compliance officer" <Compliance.officer@bharti.in>, "complaint vigilance" <complaint.vigilance@bankofindia.co.in>, hocss1@canarabank.com, zmmzo@centralbank.co.in, cybercell@iob.in, contact@federalbank.co.in, care@pnb.co.in, hocomplaints@mahabank.co.in, customercare@sbi.co.in, "holaw calcutta" <holaw.calcutta@ucobank.co.in>, "Sudhir Kumar Rai" <ddgit-dot@gov.in>, "Cyber Law Legal" <Cyberlaw-legal@meity.gov.in>
Cc: "Ca Brijesh" <Ca.Brijesh@remfry.com>, "Simranjot Kaur" <Simranjot.Kaur@remfry.com>, remfrylitigations@remfry.com
Sent: Friday, May 24, 2024 5:48:23 PM
Subject: Order dated May 20, 2024 | Lawsuit Papers | Tata Power Solar Systems Limited & Anr. v. www.tatapowersolardealership.co.in & Ors. | High Court of Delhi - CS (COMM) 419/2024 | Order XXXIX Rule 3 CPC, 1908 Compliance | CAB/KGA/TL/2024/10186

Dear Sirs,

We are concerned for the Plaintiffs i.e. Tata Power Solar Systems Limited and Tata Sons Private Limited , who have filed the subject matter suit against you for the relief more particularly stated in the Plaint.

We forward herewith copies of the following:

- Order dated **May 20, 2024** passed by the High Court of Delhi ; and
- Lawsuit papers including plaint, interim applications and documents in the following secured dropbox link:

<https://www.dropbox.com/scl/fi/90pkxdxe6iojsjh98kghe/Suit-Paperbook.pdf?rlkey=295h31lnzhdo7vfy81bo65ns&st=recu97e9&dl=0>

as and by way of service upon you in compliance with the provisions of Order XXXIX Rule 3 CPC, 1908. The matter is listed before the Joint Registrar on **August 21, 2024** and the Court on **October 24, 2024** and you may remain present if you so desire.

Kindly acknowledge safe receipt of this e-mail.

Regards,

Krisna Gambhir
D/4042/2019
Counsel for Plaintiffs



Remfry & Sagar

Remfry House at the Millennium Plaza
Sector 27, Gurugram -122 009 | New Delhi NCR | India
Tel: +91 124 2806100, +91 124 4656100
Fax: +91 124 2806101, +91 124 2572123
Email: remfry-sagar@remfry.com
[LinkedIn](#) | www.remfry.com

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India Business Law Journal: 2021 Winner, IP Protection & IP Enforcement

Managing IP: 2020, 2019 India Trademark Contentious Firm of the Year | *2019* Impact Case of the Year | *2018* India Patent Prosecution Firm of the Year;

Asia IP: 2021, 2020 India IP Awards: Firm of the Year - IP Litigation, IP Prosecution, Enforcement & TMT

India Business Law Journal: 2019 Deals of the Year

2021-22 Tier 1 Ranking:

Chambers Asia-Pacific, Legal 500 Asia Pacific, Asialaw Profiles, WTR1000, IAM Patent 1000, Managing IP, Asia IP, and Asian Legal Business

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 **Order - 20.05.2024.pdf**
2 MB
