

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

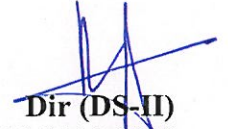
Dated:24.11.2023

**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

Please find the enclosed Hon'ble Delhi High Court order dated **06.07.2022 (Annexure-I)**, and additional Affidavit dated **23.11.2023 (Annexure-II)** on the subject matter.

- (ii) Please refer to the **para 8(iii)** of the said court order in respect of blocking of **one (01) website** enumerated in **para 4** of the said affidavit.
- (iii) Accordingly, 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)
Tel: 011-2303 6860

Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- (i) DDG(AS) w.r.t to Blocking of Telephone number.
- (ii) 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-III**.
- (iii) Mr. Rakesh kumar (rakeshkumarcgsc@gmail.com); learned Central Government Standing Counsel for kind information.

- (iv) Sh. Kunal Vats, counsel for the plaintiff (kunal@singhandsingh.com) with following requests:
- (a) Take action as per Annexure-III.
 - (b) Meaning of blocking of phone number needs clarification as to which services on the said phone number needs to be blocked for how much time. Moreover a Court order is required in this regard.
 - (v) 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

HAVELLS INDIA LTD & ANR. Plaintiffs

Through: Mr.Sudeep Chatterjee, Mr.Kratraj
Sadana & Ms.Shifa Nagar, Advs.
with Mr.Harsh Agarwal & Ms.Roma
Arora, Authorised Representative.

versus

ASHOK KUMAR/ JOHN DOE & ORS. Defendants

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **06.07.2022**

I.A. 10117/2022 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

I.A. 10118/2022

1. This is an application filed on behalf of the plaintiffs seeking to file additional documents.
2. The plaintiff may file the additional documents strictly in accordance with the law.
3. The application stands disposed of.

I.A. 10119/2022

1. This is an application filed on behalf of the plaintiff seeking exemption from service to the defendants.
2. For the reasons stated in the application, the same is allowed.
3. The application stands disposed of.



I.A. 10120/2022

1. This application has been filed seeking extension of time for filing of the court fee.
2. Having considered the application, the period to file the court fee is enlarged by a period of one week.

I.A. 10121/2022

1. This is an application filed by the plaintiff to seek permission to serve the defendants through electronic mode.
2. The application is allowed.

I.A. 10122/2022

1. This application has been filed seeking exemption from filing pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.
2. Having perused the contents of the application, the same is allowed.

I.A. 10123/2022

1. This application has been filed seeking exemption from serving any notice as required under Section 80(1) of the CPC.
2. For the reasons stated in the application, the same is allowed.

CS(COMM) 447/2022

1. Let the plaint be registered as a suit.
2. Issue summons to the defendants to be served electronically, returnable on 1st September 2022.
3. The summons to the defendants shall indicate that the written statement to the plaint shall be positively filed within the prescribed period from the date of receipt of summons. Along with the written statement, the defendants shall also file the affidavit of admission/denial of the documents

of the plaintiff, without which the written statement shall not be taken on record.

4. Liberty is given to the plaintiff to file replication within a period of four weeks of the receipt of the written statement. Along with the replication, if any, filed by the plaintiff, the affidavit of admission/denial of documents of the defendants be filed by the plaintiff, without which the replication 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.

I.A. 10116/2022

1. Issue notice to be served on the defendants electronically, returnable on 1st September 2022.

2. It is the case of the plaintiffs that the plaintiff no. 1 was incorporated in the year 1983 and is engaged in the electrical and power distribution equipment and consumer durables goods business. The plaintiff no. 2 is the owner of trademark Havells, for different categories of goods. The plaintiffs' products are sold under the trademark 'HAVE LLS',

HAVELLS, ,  **STANDARD LLOYD** . The products can be accessed through their portal <https://www.havells.com/>.

3. The plaintiffs assert that it has a domestic presence across 45 cities in India and there are about 650 Havells Galaxies stores across the country. The plaintiffs also have a mobile application for customers to shop online through the Havells E-store. The plaintiffs' products are sold across the globe having a sale turnover of Rs. 10,427.92 Crore in the financial year

2020-21. The plaintiffs also incur expenditure on advertisement, promotion and marketing of the brands. Expenditure incurred by the plaintiffs was to the tune of Rs. 132.55 Crore for the financial year 2020-21. The plaintiffs have also obtained registration of their trademark, details whereof have been given in paragraph 19 of the plaint.

4. Similarly, the plaintiffs also have a trademark LLOYD, which is registered for various classes of goods, details whereof have been mentioned in paragraph 30 of the plaint. The plaintiffs assert that its sales, while using the said marks, were to the tune of Rs. 1590.27 Crore for the financial year 2019-2020, with the advertising and sales promotion expenses of Rs. 103.15 Crore.

5. In this manner the plaintiffs claim that the above marks are well-known trademarks entitled to protection.

6. The plaintiffs are aggrieved by various rogue websites/domain names being registered using the trademark of the petitioner (Havells), such as havellsfranchisee.com, havellsfranchise.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in and franchiseinfo.in. Further details of such websites/domain names is given by the plaintiff at page 322 of the List of Documents. The plaintiffs assert that these websites/domain names are registered only to mislead the general consumers and public and, in fact, result in fraudulent activities being conducted, causing loss to the general public. The plaintiffs also give details of the manner in which such fraud is perpetuated on the unwary consumer.

7. Having considered the submissions made, the contents of the plaint and the documents filed therewith, I am of the opinion that the plaintiffs have been able to make out a *prima facie* case for grant of an *ex parte*

injunction. The balance of convenience is also in favour of the plaintiffs. Irreparable loss will be caused to the plaintiffs if an *ex parte* injunction is not passed in favour of the plaintiffs. The loss to the public is also incalculable.

8. In view of the above, by way of an ad interim order, it is directed as under: -

- i. The Defendant Nos.1 and 2 are restrained from using in any manner, directly or indirectly, the Plaintiffs registered trademarks i.e., HAVELLS, LLOYD and/ or any other identical/ deceptively similar mark in respect to domain names havellsfranchise.com, franchiseinfo.in, havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains listed by the Plaintiffs at Page 322 of the List of Documents or otherwise amounting to trademark and copyright infringement, and misappropriation of the Plaintiffs registered trademarks;
- ii. The Defendant Nos. 3 to 9 and 13 shall immediately block the domain name havellsfranchise.com, franchiseinfo.in, havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains filed by the Plaintiffs at Page 322 of the List of Documents;
- iii. The Defendant Nos. 11 and 12 i.e. DoT and MeitY shall immediately issue directions to all ISPs to block the said websites as also any other website that may subsequently be

notified by the Plaintiff (on Affidavits) to be infringing of its exclusive rights, unless the Defendant No. 11 and 12 are of the opinion that such other websites do not infringe the intellectual property rights of the Plaintiffs;

- iv. The Defendant Nos. 3 to 9 and 13 shall also disclose to the Ld. Counsel for the Plaintiff and file an affidavit before this Court as to the details of the registrants or the persons who have registered the abovementioned domains along with their complete contact details, postal address, email address, bank account details and telephone numbers etc. Let the said affidavit be filed within one week from the receipt of the copy of this order. Upon receipt of this order, the Defendant Nos. 3 to 9 and 13 shall communicate immediately the order to the registrants of the infringing domain names.
- v. The registrants of the infringing domains havellsfranchise.com, franchiseinfo.in Havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains listed by the Plaintiffs at Page 322 of the List of Documents shall cease all use of the domain names and pull down the websites hosted on the said domain names with immediate effect. The email address reflected on the said website as also support@havellsfranchisee.com and support@havellsfranchise.com, shall also be de-activated.
- vi. The Internet and Telecom Service Providers on intimation of this order by the Plaintiff shall give effect to the same

immediately.

- vii. Upon the disclosure of the names of the registrants of the domain names, the Plaintiff is permitted to implead them as the Defendants in the present suit. In case the Plaintiff comes across any other domain names or websites with the mark 'HAVELLS' and 'LLOYD', they are permitted to approach the Court with an application for appropriate relief, including seeking extension of the present injunction to the said domain names or websites as well.
 - viii. The Defendant No. 10 shall restrain from making available the mark HAVELLS and/or LLOYD or any other deceptively similar variation thereof in their Google Ads Programme.
 - ix. The Defendants Nos.14 to 16 shall immediately freeze the bank accounts as given in Paragraph 49 of this application as also provide complete disclosure of the KYC details of the accounts on affidavit in a sealed cover.
 - x. Defendant Nos.17 and 18 are directed to provide complete disclosure of the KYC details and deactivate the numbers 967476675, 7044103139, 9163705518, 987495665, 9163603596 used by the imposters. The KYC details be provided on affidavit in a sealed cover.
9. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, be made within one week from today.

NAVIN CHAWLA, J

JULY 6, 2022/rv/DJ

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

CS(COMM) 447/2022

IN THE MATTER OF:

Havells India Ltd & Anr.

...Plaintiffs

Versus

Ashok Kumar/ John Doe & Ors.

...Defendants

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SINGH & SINGH LAW FIRM LLP
SUDEEP CHATTERJEE
(D/298/2005)
Counsel for the Plaintiffs
C-139, Defence Colony,
New Delhi -110024

Date: 23.11.2023

1

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) No. 447 of 2022

Havells India & Anr. ...Plaintiffs
Versus
Ashok Kumar & Ors. ... Defendants

AFFIDAVIT IN TERMS OF THE ORDER DATED 06.07.2022 PASSED BY
THE HON'BLE DELHI HIGH COURT

We, Harsh Aggarwal, S/o Shri P.C. Aggarwal, aged about 46 years, and Roma Arora, D/o Shri Sushil Arora, aged about 41 years, having our office at 904, 9th Floor, Surya Kiran building, Kasturba Gandhi Marg, Connaught Place, New Delhi-110001, do solemnly affirm and declare as under:

1. We are the authorized representatives of the Plaintiffs being Havells India Ltd. and QRG Enterprises Ltd in the suit i.e CS (COMM) No. 447 of 2022, which is pending adjudication before the Hon'ble Delhi High Court. We are aware of the facts and circumstances of the said case, and thus, competent to depose the present affidavit.
2. We state that vide order dated 06.07.2022, the Hon'ble Delhi High Court was pleased to grant an *ad-interim* injunction in favour of the Plaintiffs and against the Defendants thereby, *inter alia*, restraining the Defendant No.1 and No.2 from using in any manner, the Plaintiffs' registered trademarks – HAVELLS and LLVOD in respect of domain names. Further the Defendant No.11 – Department of Telecommunication and Defendant No.12 – Ministry of Electronics and Information Technology, were directed to issue directions to all the Internet Service providers to block the said fraudulent websites in order



to protect the general public from being defrauded. Copy of the order dated 06.07.2022 is attached herewith as **ATTACHMENT A**,

3. That in terms of Para 8 (iii) of the aforesaid order dated 06.07.2022, the Hon'ble Delhi High Court was further pleased to grant liberty to the Plaintiffs to notify Department of Telecommunication (arrayed as Defendant No. 11) and Ministry of Electronics and Information Technology (arrayed as Defendant No.12) of any such new websites/instances of fraud which would come to the knowledge of the Plaintiffs, for their necessary compliance.
4. Accordingly, it is stated that we have learnt about another instance of fraud wherein, the name of the Plaintiffs i.e Havells has been used by an unknown person, with a motive to defraud the public. The details of the said fraud/website are given below:

Name of the Website:- <https://electricaldistributorship.in/>

Email ID: support@havellspartners.com

Contact Number: 7092089050;
+91 8093552914

5. It is submitted that as per the public information available on the website of 'WHOIS' i.e <https://www.whois.com/whois/>, 'Endurance Digital Domain Technology LLP' is the registrar of the said domain name. However, the user/owner of the above website are not known to us. Information extracted from <https://www.whois.com/whois/> is attached herewith as **ATTACHMENT B**.
6. Further, considering the fact that the aforesaid E-mail ID and the phone number are continuing to be used, it appears that no action has been taken as on date, on our E-mail dated 27.10.2023 coupled with the affidavit dated 07.11.2023 furnished by the Plaintiff.



Accordingly, in terms of the order dated 06.07.2022, the present affidavit is being prepared for the Department of Telecommunication and Ministry of Electronics and Information Technology to immediately intimate all the concerned Internet Service Providers and Telecom Service Providers to block the above website as well as the phone number.

[Signature]
DEPONENT

23 NOV 2023

VERIFICATION:

Verified at New Delhi on this 23rd day of November that the contents of the above affidavit are true to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

[Signature]
(23/11/2023)

I Identified the Deponent who has signed in my presence.

[Signature]
DEPONENT

[Signature]
DEPONENT

23 NOV 2023

VERIFICATION:

Verified at New Delhi on this 23rd day of November that the contents of the above affidavit are true to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT



CERTIFIED THAT THE DEPONENT
Shri/Smt/Km. Harsh L. Reddy
S/o, W/o. Devi Prasad Reddy
R.O. Room Area
Identified by Shri/Smt. Kamlesh Mathur
has solemnly affirmed before me at Delhi
on 23/11/23 that the contents of affidavit which have
been read & explained to me are true and
correct to his/her knowledge.

[Signature]
Oath Commissioner, Delhi
New Delhi

23 NOV 2023

ATTACHMENT- A

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 447/2022**

HAVELLS INDIA LTD & ANR. Plaintiffs
Through: Mr.Sudeep Chatterjee, Mr.Kratraj
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ORDER
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HAVELLS,  **ST. ANDA RD** **LLOYD** . The products can be accessed through their portal <https://www.havells.com/>.

3. The plaintiffs assert that it has a domestic presence across 45 cities in India and there are about 650 Havells Galaxies stores across the country. The plaintiffs also have a mobile application for customers to shop online through the Havells E-store. The plaintiffs' products are sold across the globe having a sale turnover of Rs. 10,427.92 Crore in the financial year

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7. Having considered the submissions made, the contents of the plaint and the documents filed therewith, I am of the opinion that the plaintiffs have been able to make out a *prima facie* case for grant of an *ex parte*

injunction. The balance of convenience is also in favour of the plaintiffs. Irreparable loss will be caused to the plaintiffs if an *ex parte* injunction is not passed in favour of the plaintiffs. The loss to the public is also incalculable.

8. In view of the above, by way of an ad interim order, it is directed as under: -

- i. The Defendant Nos.1 and 2 are restrained from using in any manner, directly or indirectly, the Plaintiffs registered trademarks i.e., HAVELLS, LLOYD and/ or any other identical/ deceptively similar mark in respect to domain names havellsfranchise.com, franchiseinfo.in, havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains listed by the Plaintiffs at Page 322 of the List of Documents or otherwise amounting to trademark and copyright infringement, and misappropriation of the Plaintiffs registered trademarks;
- ii. The Defendant Nos. 3 to 9 and 13 shall immediately block the domain name havellsfranchise.com, franchiseinfo.in, havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains filed by the Plaintiffs at Page 322 of the List of Documents;
- iii. The Defendant Nos. 11 and 12 i.e. DoT and MeitY shall immediately issue directions to all ISPs to block the said websites as also any other website that may subsequently be

immediately.

- vii. Upon the disclosure of the names of the registrants of the domain names, the Plaintiff is permitted to implead them as the Defendants in the present suit. In case the Plaintiff comes across any other domain names or websites with the mark 'HAVELLS' and 'LLOYD', they are permitted to approach the Court with an application for appropriate relief, including seeking extension of the present injunction to the said domain names or websites as well.
 - viii. The Defendant No. 10 shall restrain from making available the mark HAVELLS and/or LLOYD or any other deceptively similar variation thereof in their Google Ads Programme.
 - ix. The Defendants Nos.14 to 16 shall immediately freeze the bank accounts as given in Paragraph 49 of this application as also provide complete disclosure of the KYC details of the accounts on affidavit in a sealed cover.
 - x. Defendant Nos.17 and 18 are directed to provide complete disclosure of the KYC details and deactivate the numbers 967476675, 7044103139, 9163705518, 987495665, 9163603596 used by the imposters. The KYC details be provided on affidavit in a sealed cover.
9. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, be made within one week from today.


NAVIN CHAWLA, J

JULY 6, 2022/rv/DJ

ATTACHMENT - B

11

electricaldistributorship.in

Updated 1 second ago 

Domain Information

Domain:	electricaldistributorship.in
Registrar:	Endurance Digital Domain Technology LLP
Registered On:	2023-08-20
Expires On:	2024-08-20
Updated On:	2023-08-25
Status:	clientTransferProhibited
Name Servers:	ns1.md-in-89.bigrockservers.com ns2.md-in-89.bigrockservers.com



Registrant Contact

Organization:	N/A
State:	Delhi
Country:	IN
Email:	Please contact the Registrar listed above



Administrative Contact

Email:	Please contact the Registrar listed above
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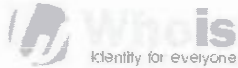
Technical Contact

Email:	Please contact the Registrar listed above
--------	---

Raw Whois Data

Domain Name: electricaldistributorship.in
Registry Domain ID: DF146AFBA679246489F99CB2EFCCF253F-IN

Registrar WHOIS Server:
Registrar URL: <https://publicdomainregistry.com/>
Updated Date: 2023-08-25T15:27:01Z
Creation Date: 2023-08-20T15:26:59Z
Registry Expiry Date: 2024-08-20T15:26:59Z
Registrar: Endurance Digital Domain Technology LLP
Registrar IANA ID: 801217



Registry Registrant ID: REDACTED FOR PRIVACY
Registrant Name: REDACTED FOR PRIVACY
Registrant Organization: N/A
Registrant Street: REDACTED FOR PRIVACY
Registrant Street: REDACTED FOR PRIVACY
Registrant Street: REDACTED FOR PRIVACY
Registrant City: REDACTED FOR PRIVACY
Registrant State/Province: Delhi
Registrant Postal Code: REDACTED FOR PRIVACY
Registrant Country: IN
Registrant Phone: REDACTED FOR PRIVACY
Registrant Phone Ext: REDACTED FOR PRIVACY
Registrant Fax: REDACTED FOR PRIVACY
Registrant Fax Ext: REDACTED FOR PRIVACY
Registrant Email: Please contact the Registrar listed above
Registry Admin ID: REDACTED FOR PRIVACY
Admin Name: REDACTED FOR PRIVACY
Admin Organization: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin City: REDACTED FOR PRIVACY
Admin State/Province: REDACTED FOR PRIVACY
Admin Postal Code: REDACTED FOR PRIVACY
Admin Country: REDACTED FOR PRIVACY
Admin Phone: REDACTED FOR PRIVACY
Admin Phone Ext: REDACTED FOR PRIVACY
Admin Fax: REDACTED FOR PRIVACY
Admin Fax Ext: REDACTED FOR PRIVACY
Admin Email: Please contact the Registrar listed above
Registry Tech ID: REDACTED FOR PRIVACY
Tech Name: REDACTED FOR PRIVACY
Tech Organization: REDACTED FOR PRIVACY
Tech Street: REDACTED FOR PRIVACY
Tech Street: REDACTED FOR PRIVACY
Tech Street: REDACTED FOR PRIVACY
Tech City: REDACTED FOR PRIVACY
Tech State/Province: REDACTED FOR PRIVACY
Tech Postal Code: REDACTED FOR PRIVACY

Tech Country: REDACTED FOR PRIVACY
Tech Phone: REDACTED FOR PRIVACY
Tech Phone Ext: REDACTED FOR PRIVACY
Tech Fax: REDACTED FOR PRIVACY
Tech Fax Ext: REDACTED FOR PRIVACY
Tech Email: Please contact the Registrar listed above
Name Server: ns1.md-in-89.bigrockservers.com
Name Server: ns2.md-in-89.bigrockservers.com
DNSSEC: unsigned
URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>
>>> Last update of WHOIS database: 2023-11-23T10:38:38Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

Access to .IN WHOIS information is provided to assist persons in determining the con

Interested in similar domains?

electricaldistributorship.
com

electrical-
distributorship.com

mechanicaldistributorshi
p.com

electricaldistributorships
.com

electricaldistributorship.
net

mechanicaldistributorshi
p.net

Sale

.space

~~\$24.88~~ **\$1.88**

BUY NOW

*while stocks last

On Sale!



.PW @ \$1.28 ~~\$24.88~~

Introducing

WORDPRESS HOSTING

\$5.48 /mo

VIEW MORE

related domain names

publicdomainregistry.com
icann.org
bigrockservers.com

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Annexure III

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.