

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-19/2023-DS-II

Dated: 16.05.2023

To,

All Internet Service Licensee's

**Subject: CS (COMM) No. 294 of 2023 Sporta Technologies Pvt. Ltd. & Anr. vs. John Doe & Ors Before Hon'ble Delhi High Court.**

Kindly find the enclosed Hon'ble Delhi High Court order dated **10.05.23** on the subject matter.

2. Please refer to the **para 19(v)** of the said court order in respect of blocking of **one (01) websites** enumerated in the aforesaid para.

3. 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.

*1*  
*John Doe*  
*16.05.23*

**Director (DS-II)**

**Tel: 011-2303 6860**

**Email: dirds2-dot@nic.in**

Encl:A/A

**Copy to:**

- (i) V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- (ii) Rohan, (rohan@fiduslawchambers.com) counsel for the plaintiff for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

\$~31 (Original)

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

+ **CS(COMM) 294/2023**

**SPORTA TECHNOLOGIES**

**PVT. LTD AND ANR.**

..... Plaintiffs

Through: Ms. Shwetasree Majumder, Mr.  
Prithvi Singh, Mr. Rohan Krishna Seth and Ms.  
Parkhi Rai, Advs.

Versus

**JOHN DOE AND OTHERS**

..... Defendants

Through: Mr. Harish Vaidyanathan Shankar,  
CGSC with Mr. Srish Kumar Mishra, Mr. Sagar  
Mehlawat and Mr. Alexander Mathai Paikaday,  
Advs. for Defendants 3 and 4

**CORAM:**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**





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**10.05.2023**

**CS(COMM) 294/2023**



1. Plaintiffs 1 and 2 are the proprietors of the following trademarks registered in India:

**Marks of Plaintiff 1:**

| S.No. | Trademark   | Number  | Classes              | Date                             |
|-------|---|---------|----------------------|----------------------------------|
| 1     | <b>DREAM11</b>  | 3802186 | 9, 16, 35,<br>41, 42 | 11 <sup>th</sup> April 2018      |
| 2     |  | 3660715 | 9, 16, 35,<br>41, 42 | 21 <sup>st</sup> October<br>2017 |
| 3     |  | 3660717 | 9, 16, 35,<br>41, 42 | 21 <sup>st</sup> October<br>2017 |
| 4     |  | 3660851 | 9, 16, 35,<br>41, 42 | 22 <sup>nd</sup> October<br>2017 |
| 5     |  | 3660718 | 9, 16, 35,           | 21 <sup>st</sup> October         |

|   |   |         |                   |                               |
|---|---|---------|-------------------|-------------------------------|
|   |   |         | 41, 42            | 2017                          |
| 6 |  | 3660720 | 9, 16, 35, 41, 42 | 21 <sup>st</sup> October 2017 |

**Marks of Plaintiff 2:**

| S.No. | Trademark   | Number  | Classes                        | Date                            |
|-------|---|---------|--------------------------------|---------------------------------|
| 1     | DREAM 11  | 4863621 | 9, 16, 18, 28, 35, 38, 42 & 45 | 25 <sup>th</sup> September 2019 |
| 2     |  | 1823011 | 38                             | 28 <sup>th</sup> May 2009       |
| 3     |  | 1823015 | 41                             | 28 <sup>th</sup> May 2009       |

2. Additionally, Plaintiff 2 has the domain name [www.dream11.com](http://www.dream11.com) registered in its favour on 17<sup>th</sup> March 2008.

3. The plaintiffs provide services by way of fantasy games, over their websites, using the aforesaid registered marks. The homepage of the plaintiffs [www.dream11.com](http://www.dream11.com) contains a distinctive picture of five cricket players positioned in a triangular fashion. The homepage also contains a link, on clicking which the Dream11 application could be downloaded. Thereafter, using the downloaded application, fantasy games could be played. The plaintiffs claim copyright in the overall representation, look and feel of its website as well as on the information and graphics contained therein.

4. The plaintiff alleges that Defendant 1 purports to provide fantasy sport services through its website [www.tennisworldxi.com](http://www.tennisworldxi.com).

5. Instead, Defendant 1 is, according to the plaintiff, using the plaintiffs' Dream11 mark as a prefix to the domain name

[www.tennisworldxi.com](http://www.tennisworldxi.com), thereby creating a subdomain [www.dream11.tennisworldxi.com](http://www.dream11.tennisworldxi.com), so that persons desiring to access the plaintiff's webpage would be redirected to the defendant's page and would also be deceived into believing the existence of an association between the defendants and the plaintiff.

6. The plaint also provides a screenshot of the defendants' website which, like the plaintiffs, shows four players positioned together.

7. Ms. Majumder further submits that the defendants are engaged in credential harvesting; a form of phishing which, in turn, she explains, is a malpractice, whereby the rogue domains obtain personal data of persons, who access the domains. She has, in this context, invited my attention to pages 255 to 258 of the documents filed with the plaint, which may be reproduced thus:

The screenshot shows a 'Player Registration' form on a website. The form is titled 'Player Registration' and has two tabs: 'Registration' (selected) and 'Status'. Below the tabs is a 'New Registration' section. The form contains the following fields and options:

- Name:** Mohit
- Email:** mohitkr2040@gmail.com
- City/Guestin:** Delhi
- Date Of Registration:** 01-05-2023
- Number:** 8287701113
- Category:** All Rounder
- Tournament Type:**  Premier League  Knock Out
- Tournament:** PRASAD NAKADI (ANIL BENKE TROPHY 2023)
- Your Photo:** Choose File (WhatsApp Image 2023...01 at 3.44.57 PM)
- I accept the [Terms & Conditions](#)
- Register** button

At the bottom of the page, there is a footer with the following information:

- DISCLAIMER:** Tennisworldxi is neither associated or affiliated nor claims any association or affiliation in any manner with any sports governing leagues or authorities, including (but not limited to) the Board of Control for Cricket in India (BCCI), unless specified otherwise.
- ABOUT:** [About](#), [FAQ](#), [Your Account](#), [How To play](#), [Player Registration](#)
- USEFUL LINKS:** [Privacy Policy](#), [Terms & Conditions](#), [Withdrawal Policy](#), [Disclaimer](#), [Sponsor Registration](#)
- CONTACT:** Nashik, Maharashtra - 422010, [tennisworldxi@gmail.com](mailto:tennisworldxi@gmail.com), +91 7767890240

© 2020 Copyright: [Tennisworldxi.com](http://Tennisworldxi.com)

## Welcome

You are 30 seconds away from earning your own money!

**Warning:** Undefined array key "pincode" in /home4/tennijop/public\_html/player-registration/player-action.php on line 90

**Warning:** Undefined array key "gender" in /home4/tennijop/public\_html/player-registration/player-action.php on line 92

**Hello Mohit**

**Fees : 0 INR**

Pay Now 0

\* After click on the Pay button, you will redirect to Paytm Payment Gateway. After completed your payment, you will again redirect to Registration status page where you will be shown your details and you can download your acknowledgement. Thank You.

|  |   |   |   |
|--|---|---|---|
| <p><b>DISCLAIMER</b></p> <p>Tennisworldxi is neither associated or affiliated nor claims any association or affiliation in any manner with any sports governing leagues or authorities, including (but not limited to) the Board of Control for Cricket in India (BCCI), unless specified otherwise.</p> | <p><b>ABOUT</b></p> <p><a href="#">About</a></p> <p><a href="#">FAQ</a></p> <p><a href="#">Your Account</a></p> <p><a href="#">How To play</a></p> <p><a href="#">Player Registration</a></p> | <p><b>USEFUL LINKS</b></p> <p><a href="#">Privacy Policy</a></p> <p><a href="#">Terms &amp; Conditions</a></p> <p><a href="#">Withdrawal Policy</a></p> <p><a href="#">Disclaimer</a></p> | <p><b>CONTACT</b></p> <p>Nashik, Maharastra - 422010</p> <p>tenisworldxi@gmail.com</p> <p>+ 91 7767890240</p> |
|--|---|---|---|

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**Checksum matched and following are the transaction details:**  
**Transaction status is failure**

ORDERID = PYMNT1682940121186  
MID = dSEjw48593157102801  
TXNAMOUNT = 0.00  
CURRENCY = INR  
STATUS = TXN\_FAILURE  
RESPCODE = 308  
RESPMSG = Invalid Txn Amount  
BANKTXNID =  
CHECKSUMHASH =  
GRF3zdZP8+GLdJqnK1MCCNWR2mb4l04oLxoeFFqETcVjS8SLi2hh3bS8QodWVw3tqVmrRwecSjUJgT45YBN9lFu8gTZF3L6MBAw7gBzU=

Click here to Try Again Or Home

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## Acknowledgement

|  |                       |                   |   |
|--|-----------------------|-------------------|---|
| PLayer Id  | PLAYER1682936140176   |                   |  |
| PLayer Name  | Mohit                 |                   |   |
| PLayer Email   | mohitkr2040@gmail.com |                   |   |
| PLayer Phone   | 8287701113            |                   |   |
| Type   | All Rounder           | Date of Birth     | 2023-05-01  |
| Gender   |                       | Gramin / City     | Delhi   |
| Pin Code   |                       | Registration Time | 2023-05-01  |
| <p><b>* Payment Details:</b></p> <p><b>Please do payments to complete Registration.</b></p> <p><a href="#">Pay Now</a></p> |                       |                   |   |

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8. Ms. Majumder submits that, if a person seeks to register at the website shown at page 255 by entering her/his personal details, an error message is displayed as shown at page 256. The error message contains a link for payment which, if clicked, results in a further error message reflected at page 257. If, thereafter, one attempts to log in to the defendants' website using the same credentials, the attempt is successful and the acknowledgement, shown at page 258, is shown on the screen. Resultantly, while the entire personal data of the person who has attempted to register on the defendants' website has been misappropriated by the defendants, the registrants are not able to use the said website to play any games or for any other purpose.

9. This, she submits, exacerbates the malpractices in which the defendants are engaged, using the infringing domain.

10. As the identity of the defendants is unknown, Defendant 1 has been arrayed merely as the proprietor of dream11.tennisworldxi.com, subdomain, under the generalized appellation John Doe. Defendant 2

is GoDaddy.com LLC, which is the Domain Name Registrar, who has registered the domain name tennisworldxi.com and the subdomain dream11.tennisworldxi.com

11. The matter requires consideration.
12. Let the plaint be registered as a suit. Issue summons in the suit.
13. Mr. Paikaday accepts notice on behalf of Defendants 3 and 4.
14. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiffs be filed within 30 days with advance copy to learned Counsel for the plaintiffs who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendants within 30 days thereof.
15. List before the learned Joint Registrar (Judicial) for completion of the pleadings, admission and denial of documents and marking of exhibits on 13<sup>th</sup> July 2023, whereafter the matter would be placed before the Court for case management hearing and further proceedings.

**I.A. 9052/2023 (Order XXXIX Rules 1 and 2 of the CPC)**

16. This is an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC), seeking interlocutory injunctive relief.

17. The facts stated hereinabove disclose a clear *prima facie* case of infringement, by the defendants, of the plaintiffs' registered marks as

well as duplicity by creating a website using a subdomain which infringes the plaintiffs' Dream11 marks, so as to redirect the persons, who seek access the plaintiffs' website, to the website of the defendants. The submissions of Ms. Majumder read with the assertions in the plaint also make out a clear case of misuse and phishing, by the defendants, of personal data of persons who seek to register on their website, apparently for unwholesome reasons.

**18.** In the circumstances, the plaintiffs would be entitled to *ex parte ad interim* relief. The prayer clause in this application read as under:

“It is therefore prayed that during the pendency of the present proceedings an ad interim injunction be granted against the Defendants in the following terms:

(a) restrain Defendant No. 1, its representatives and/or others acting for and on its behalf from using ‘Dream11’ or any deceptively similar variant thereof, as a trademark, trade name, domain name, sub-domain name, as part of their email addresses or in any other manner which amounts to infringement of the Plaintiffs’ Dream 11 trademarks as listed in the instant application and passing off their services as those of the Plaintiffs;

(b) direct Defendant No. 2 to reveal the address and contact details of the Registrant of the impugned domain tennisworldxi.com (which are currently masked) and suspend the said domain while maintaining *status quo* with regard to its ownership;

(c) direct Defendant No. 3 and 4 to issue a notification calling upon various internet service providers to block access to the sub-domain/ website of Defendant No. 1 being ‘www.dream11.tennisworldxi.com’, and such other websites/sub-domains/URLs that may subsequently be notified by the Plaintiffs that may be infringing the Plaintiffs’ trademark ‘Dream11’;

(d) Any other relief(s) as the nature and circumstances of the case may require.

That the above order may be passed *ex parte*.”

**19.** Issue notice, returnable before the Court on 9<sup>th</sup> August 2023.



Mr. Paikaday accepts notice on behalf of defendants 3 and 4. The following directions are issued:

(i) There shall be an *ad interim* injunction, restraining Defendant 1 as well as all other acting on its behalf from using dream11 or any deceptively similar variant thereof as a trademark or name, domain name, subdomain name or part of any email ID.

(ii) Defendant 2 is directed to disclose, by affidavit within one week, the particulars and contact details of the registrants of the domain name tennisworldxi.com.

(iii) On the said details being filed, the plaintiffs would take steps to implead Defendant 1 as per the details provided by Defendant 2 by filing an amended memo of parties forthwith. Fresh summons as well as notice shall, thereafter, issue to Defendant 1 as per the said details and at the address provided in the amended memo of parties.

(iv) Defendant 2 is directed, till the next date of hearing, to suspend access to the domain name tennisworldxi.com and to ensure that *status quo*, regarding the ownership of the said domain name, is maintained.

(v) Defendants 3 and 4 are directed to issue a notification calling on all internet service providers to block access to the subdomain/website [www.dream11.tennisworldxi.com](http://www.dream11.tennisworldxi.com).

**20.** Compliance of Order XXXIX Rule 3 of the CPC be effected

within one week on the details of Defendant 1 being provided by Defendant 2 in accordance with the directions issued hereinabove.

**I.A. 9053/2023 (Section 12A of the Commercial Courts Act, 2015)**

21. This is an application which seeks exemption from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd*<sup>1</sup>, exemption is granted as sought.

22. The application stands allowed accordingly.

**I.A. 9054/2023 (Order XI Rule 1(4) the CPC)**

23. This application seeks permission to file additional documents. The plaintiffs are permitted to place additional documents on record in accordance with the protocol envisaged by Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act within four weeks from today.

24. The application stands disposed of accordingly.

**I.A. 9055/2023 (exemption)**

25. Subject to the plaintiffs filing legible copies of any dim or illegible documents within 30 days, exemption is granted for the present.

26. The application is disposed of.

**I.A. 9056/2023 (Section 149 of the CPC)**

27. Extension of time of two weeks is granted to the plaintiffs to pay the court fees.

28. The application stands disposed of accordingly.

**C.HARI SHANKAR, J**

**JANUARY 24, 2023**

rb

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(*Ordinary Commercial Jurisdiction*)  
CS(COMM) No. 294 of 2023

Sporta Technologies Pvt. Ltd. & Anr. ...Plaintiffs

Versus

John Doe and Ors. ...Defendants

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Prithvi Singh/Rohan Seth/Parkhi Rai  
Fidus Law Chambers  
Advocates for the Plaintiffs  
F-12, Ground Floor, Sector 8,  
Noida-201301  
Mob. No.: +91 9911167179

Place: New Delhi  
Date: 20<sup>th</sup> May 2023

**NOTE:**

**(i) The amended memo of parties is being filed in compliance with the Hon'ble Court's order dated 10 May 2023.**

**(ii) All Defendants have been served.**

IN THE HIGH COURT OF DELHI AT NEW DELHI  
*(Ordinary Commercial Jurisdiction)*  
 CS(COMM) No. 294 of 2023

Sporta Technologies Pvt. Ltd. & Anr. ...Plaintiffs

Versus

John Doe and Ors. ...Defendants

**AMENDED MEMO OF PARTIES**

Sporta Technologies Pvt. Ltd.,  
 Unit No. 1201-1202,  
 12th Floor, Wing A, One BKC, G Block,  
 Plot No.66, Bandra  
 Kurla Complex, Bandra-E  
 Mumbai, Maharashtra 400051 ... PLAINTIFF NO. 1

Dream Sports Inc.  
*formerly known as Dream11 Inc.*  
 960 Holmdel Road, Bldg. 2,  
 Holmdel, NJ-0773  
 USA ... PLAINTIFF NO. 2

V E R S U S

John Doe  
*(Proprietor of dream11.tennisworldxi.com)*  
 Nashik, Maharashtra - 422010  
 Email: [tenisworldxi@gmail.com](mailto:tenisworldxi@gmail.com)  
 Contact: + 91 7767890240  
 \_\_\_\_\_  
 ... DEFENDANT NO. 1

Anil Mali,  
 Ganraj Appt, Room No 1  
 Gajanan Nager, Pathardi Phata  
 Nashik - 422010  
 Email: [shripatimali@gmail.com](mailto:shripatimali@gmail.com)  
 Contact: 9850763541 ...DEFENDANT NO. 1

GoDaddy.com LLC  
 14455 North Hayden Road

Suite 219  
 Scottsdale, Arizona 85260  
 United States of America  
 Email: [grievanceofficer@godaddy.com](mailto:grievanceofficer@godaddy.com)

Also at:  
 GoDaddy India Web Services Private Limited  
 First Floor, 01A167, WeWork Bristol Chowk,  
 Platina Tower, MG Road,  
 Sector-28, Gurgaon,  
 Haryana – 122002  
 Email: [grievanceofficer@godaddy.com](mailto:grievanceofficer@godaddy.com)

... DEFENDANT NO. 2

Department of Telecommunications  
 Through its secretary,  
 Ministry of Communications and IT,  
 20, Sanchar Bhawan, Ashoka Road,  
 New Delhi-110001,  
 E-mail: [secy-dot@nic.in](mailto:secy-dot@nic.in)  
[dirids2-dot@nic.in](mailto:dirids2-dot@nic.in)  
[v.n.goyal@gmail.com](mailto:v.n.goyal@gmail.com)  
[uoidhc@gmail.com](mailto:uoidhc@gmail.com)

... DEFENDANT NO. 3

Ministry of Electronics and Information Technology  
 Electronics Niketan,  
 6-CGO Complex, Lodhi Road,  
 New Delhi-110003  
 E-mail: [webmaster@meity.gov.in](mailto:webmaster@meity.gov.in)  
[uoidhc@gmail.com](mailto:uoidhc@gmail.com)

... DEFENDANT NO. 4

Filed by:



New Delhi  
 18<sup>th</sup> May, 2023

Prithvi Singh/Rohan Seth/Parkhi Rai  
 Fidus Law Chambers  
 Advocates for the Plaintiffs  
 F-12, Ground Floor, Sector- 8  
 Noida-201301  
 Mob. No.: +91- 9911167179  
 Email: [litigation@fiduslawchambers.com](mailto:litigation@fiduslawchambers.com)

**Domain Information for Shopper ID 200116118**

Shopper ID: 200116118  
Domain Name: tennisworldxi.com  
Registrar: GoDaddy.com, LLC  
Registration Period: 3  
Create Date: 11/4/2020 10:44:05 AM  
Expiration Date: 11/4/2023 10:44:05 AM  
Update Date: 10/23/2022 8:07:17 PM  
Transfer Away Eligibility Date:  
Status: 0 Active  
Is Certified Domain: False  
Gaining Registrar Name: GoDaddy.com, LLC  
Transferred Away Date:  
Last Modified: 11/1/2022 2:19:07 AM  
Custom DNS: No  
Name Servers: cns6005.webhostbox.net  
cns6006.webhostbox.net  
Auto Renew: Yes  
Renew Period: 0

## Registrant Contact

Name: Registration Private  
Company: Domains By Proxy, LLC  
Email: tennisworldxi.com@domainsbyproxy.com  
Address 1: DomainsByProxy.com  
Address 2: 2155 E Warner Rd  
City: Tempe  
State/Province: Arizona  
Postal Code: 85284  
Country: United States  
Phone: +1.4806242599  
Fax: +1.4806242598  
Modify Time: 5/8/2022 7:31:07 PM

## Technical Contact

Name: Registration Private  
Company: Domains By Proxy, LLC  
Email: tennisworldxi.com@domainsbyproxy.com  
Address 1: DomainsByProxy.com  
Address 2: 2155 E Warner Rd  
City: Tempe  
State/Province: Arizona  
Postal Code: 85284  
Country: United States  
Phone: +1.4806242599  
Fax: +1.4806242598  
Modify Time: 5/8/2022 7:31:07 PM

## Administrative Contact

Name: Registration Private  
Company: Domains By Proxy, LLC  
Email: tennisworldxi.com@domainsbyproxy.com  
Address 1: DomainsByProxy.com  
Address 2: 2155 E Warner Rd  
City: Tempe  
State/Province: Arizona  
Postal Code: 85284  
Country: United States  
Phone: +1.4806242599  
Fax: +1.4806242598  
Modify Time: 5/8/2022 7:31:07 PM

## Billing Contact

Name: Registration Private  
Company: Domains By Proxy, LLC  
Email: tennisworldxi.com@domainsbyproxy.com  
Address 1: DomainsByProxy.com  
Address 2: 2155 E Warner Rd  
City: Tempe  
State/Province: Arizona  
Postal Code: 85284  
Country: United States  
Phone: +1.4806242599  
Fax: +1.4806242598  
Modify Time: 5/8/2022 7:31:07 PM



Domain Name: tennisworldxi.com

| Action                  | Proxy Billing ID | DBP Contact ID | Contact Type   | First Name | Last Name | Email                  | Company | Address 1  | Address 2 | City   | State/Province | Zip Code | Country | Phone         | Fax | Create Date    | Modify Date    |
|-------------------------|------------------|----------------|----------------|------------|-----------|------------------------|---------|--|-----------|--------|----------------|----------|---------|---------------|-----|----------------|----------------|
| <a href="#">Details</a> | 0                | 1276502349     | 0 - Registrant | Anil       | Mali      | shripatimali@gmail.com |         | GANRAJ Appt room no 1 Gajanan nager pathardi phata nashik 422010 |           | Nashik | Maharashtra    | 422010   | India   | 91.9850763541 |     | 5/8/2022 19:31 | 5/8/2022 19:31 |
| <a href="#">Details</a> | 0                | 1276502350     | 1 - Technical  | Anil       | Mali      | shripatimali@gmail.com |         | GANRAJ Appt room no 1 Gajanan nager pathardi phata nashik 422010 |           | Nashik | Maharashtra    | 422010   | India   | 91.9850763541 |     | 5/8/2022 19:31 | 5/8/2022 19:31 |
| <a href="#">Details</a> | 0                | 1276502351     | 2 - Admin      | Anil       | Mali      | shripatimali@gmail.com |         | GANRAJ Appt room no 1 Gajanan nager pathardi phata nashik 422010 |           | Nashik | Maharashtra    | 422010   | India   | 91.9850763541 |     | 5/8/2022 19:31 | 5/8/2022 19:31 |
| <a href="#">Details</a> | 0                | 1276502352     | 3 - Billing    | Anil       | Mali      | shripatimali@gmail.com |         | GANRAJ Appt room no 1 Gajanan nager pathardi phata nashik 422010 |           | Nashik | Maharashtra    | 422010   | India   | 91.9850763541 |     | 5/8/2022 19:31 | 5/8/2022 19:31 |

**CONFIDENTIAL**