

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-32/2022-DS-II

Dated:03.05.2023

To,

All Internet Service Licensees'

**Subject: CS (Comm) No. 303 of 2022; Burger King Corporation & Swapnil Patil & Ors.
Before Hon'ble Delhi High Court**

Kindly find the enclosed Hon'ble Delhi High court order dated **19.04.2023** on the subject matter.

2. Please refer to the **para 13(iii)** of the said court order in respect of blocking of **one(01) website** enumerated in 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.



Director (DS-II)

Tel: 011-2303 6860

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 necessary action.
- (ii) Mr. Harish Vaidyanathan Shankar(hvscgsdhc@gmail.com), learned Central Government Standing Counsel for kind information.
- (iii) Sh. Mukul Kochhar, Attorney, Ira Law counsel for the plaintiff (mukul@ira.law) for kind information along with technical limitation in blocking at ISPs.
- (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) 303/2022

BURGER KING CORPORATION Plaintiff
Through: Mr. Raunaq Kamath, Mr.Mukul
Kochhar and Mr.Rahul Bajaj,
Advocates

versus

SWAPNIL PATIL & ORS. Defendants
Through: Ms.Shweta Sahu and Mr.Brijesh
Ujjainwal, Advocates for D-16.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
19.04.2023

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I.A. 7337/2023 (for directions)

1. Counsel for the plaintiff, at this stage, seeks to withdraw the present application.
2. Accordingly, the present application is dismissed as withdrawn.

I.A. 7338/2023 (O-XXXIX R-1 & 2 of CPC)

3. The present application has been filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) seeking further interim order on account of new domain name and email address that has come to the knowledge of the plaintiff.
4. In April, 2023, the master franchise of the plaintiff received more complaints from the victims of the fraudulent activities of the main defendants. It came to the notice of the plaintiff that the main defendants have obtained the registration of a new domain name

www.burgerkingfranchiseindia.in.

5. The plaintiff has also come across a new email address, contact@indiaburgerkingfranchise.in, which is being used by the main defendants for contacting the victims.

6. It is contended on behalf of the plaintiff that despite repeated injunction orders passed by this Court, the main defendants are continuing their fraudulent activities in violation of the said orders.

7. Issue notice.

8. Notice is accepted by the counsel appearing on behalf of defendant no.16.

9. Notice be issued to the other defendants through all modes.

10. Reply(ies) be filed within four weeks.

11. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

12. Based on the averments in the plaint and submissions made on behalf of the plaintiff, a *prima facie* case has been made out on behalf of the plaintiff. Balance of convenience is also in favour of the plaintiff and against the defendants. Irreparable harm would be caused not only to the plaintiff but also to the public if an *ex parte* ad interim injunction as prayed is not granted in favour of the plaintiff.

13. Consequently, till the next date of hearing, the following directions are passed:

- i. The defendants no.1, 2, 3 and 12 are restrained from using the domain name www.burgerkingfranchiseindia.in and email address contact@indiaburgerkingfranchise.in.
- ii. The concerned domain name registrars are directed to suspend the domain name www.burgerkingfranchiseindia.in within three weeks

from today.

- iii. The defendants no. 6 and 7 are directed to issue directions to all ISPs to block the website available at the domain name www.burgerkingfranchiseindia.in, so that the same is not accessible and file an affidavit of compliance within three weeks from today.
14. Compliance under Order XXXIX Rule 3 of the CPC be done within five days from today.
15. List before the Joint Registrar on the date already fixed i.e., on 15th May, 2023.

AMIT BANSAL, J.

APRIL 19, 2023/rt

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

Original Commercial Civil Jurisdiction

CS (Comm) No. ____ of 2022

Burger King Corporation ... Plaintiff

Versus

Swapnil Patil & Ors. ... Defendants

MEMO OF PARTIES

Burger King Corporation

5505, Blue Lagoon Drive,

Miami, Florida 33126

United States of America

Email: office@ira.law

... Plaintiff

Versus

1. Swapnil Patil

Email: info@burgerkingfranchises.co.in

support@burgerkingfranchises.co.in;

franchise@burgerkingfranchises.co.in

info@burgerkingfranchise.co.in

Phone: +91 7709155644

... Defendant No. 1

2. Vinay Nayak

Email: info@burgerkingfranchises.co.in;

support@burgerkingfranchises.co.in;

franchise@burgerkingfranchises.co.in

info@burgerkingfranchise.co.in

Phone: +91 7291823890

... Defendant No. 2

3. Shushil Jadhav

Email: info@burgerkingfranchises.in

Phone: +91 9819100695

... Defendant No. 3

4. Namecheap, Inc.

4600, East Washington Street,

Suite 305, Phoenix,

Arizona - 85034

United States of America
Email: legal@namecheap.com ... Defendant No. 4

5. Dreamscape Networks International Pte Ltd

3 Irving Road #09-01
Singapore 369522
Email: info@dreamscapenetworks.com ... Defendant No. 5

6. National Internet Exchange of India

9th Floor, B-Wing,
Statesman House, 148,
Barakhamba Road,
New Delhi – 110001
Email: info@nixi.in ... Defendant No. 6

7. Ministry of Communications

Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road
New Delhi – 110001
Email: Dysecyvig.hq-dot@nic.in ... Defendant No. 7

8. Ministry of Electronics & Information Technology

Electronics Niketan, 6,
CGO Complex, Lodhi Road
New Delhi – 110003
Email: s.chaudhary@gov.in ... Defendant No. 8

9. Bank of India


Star House, C-5, “G” Block,
Bandra Kurla Complex,
Bandra (East), Mumbai - 400051
Email: manasi.phene@bankofindia.co.in ... Defendant No. 9

10. Federal Bank Limited

Federal Towers,
Aluva – 683101
Kerala
Email: alwy@federalbank.co.in ... Defendant No. 10

- 11. Punjab National Bank**
Plot No. 4, Sector – 10,
Dwarka, New Delhi – 110075
Email: care@pnb.co.in ... Defendant No. 11
- 12. UCO Bank**
UCO Bank Head Office
10, BTM Sarani, Kolkata
West Bengal – 700001S
Email: hopgr.calcutta@ucobank.co.in
customercare.calcutta@ucobank.co.in ... Defendant No. 12
- 13. Bharti Airtel Limited**
Airtel Center,
Plot No. 16, Udyog Vihar,
Phase – IV, Gurgaon,
Haryana – 122001
Email: compliance.officer@bharti.in
... Defendant No. 13
- 14. Vodafone Idea Limited**
10th Floor,
Birla Centurion, Century Mills Compound,
Pandurang Budhkar Marg,
Worli, Mumbai – 400030
Email: Pankaj.kapdeo@vodafoneidea.com
... Defendant No. 14
- 15. John Doe** ... Defendant No. 15

New Delhi
Dated: May 07, 2022


Aditya Gupta | Mukul Kochhar
D/2700/2010 | D/3649/2018
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