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

+ **CS(COMM) 1015/2024**

TATA POWER RENEWABLE ENERGY LIMITED & ORS.

.....Plaintiffs

Through: Mr. Peeyoosh Kalra with Mr. C.A. Brijesh, Mr. Krisna Gambhir, Advocates.

versus

ASHOK KUMAR/S & ORS.

.....Defendants

Through: Mr. Shivam Takkar, Advocate for Defendant No.6.
Mr. Ashwani Bhardwaj, Advocate for Defendant No.10(through VC)
Mr. Aishwarya Dobhal, Advocate for defendant no. 13
Mr. Sandeep Kumar Mahapatra & Mr. Tribhuvan, Advocates for Defendant Nos.16 & 17

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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30.07.2025

IA No.13640/2025 (Application of the Plaintiffs seeking summary judgment under Order XIII-A of the Commercial Courts Act)

1. The present application has been filed by the Plaintiffs seeking summary judgment under Order XIII-A of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act, 2015.
2. The underlying suit has been filed seeking permanent injunction restraining infringement of trade mark, passing off and unfair trade competition.



3. Learned counsel for the Applicants/Plaintiffs state that the main contesting Defendants in the underlying suit are Defendant No.1 (who is John Doe) and Defendant Nos. 18. He states that the said Defendants have not entered appearance till date. He states that even otherwise the said Defendants have no real prospect of defending the claims of the Plaintiffs as mentioned in amended plaint dated 03.04.2025.

3.1. He states that Plaintiffs got to know between June, 2024-March, 2025 that many innocent persons were being duped by the Defendant No.1 and Defendant No.18 on the pretext of providing services and/or dealerships of the Plaintiffs.

3.2. He states that vide order dated 14.11.2024 passed by this Court in I.A. 45021/2024 (filed under Order XXXIX Rules 1 and 2 CPC), this Court granted an *ex-parte* ad-interim injunction restraining the Defendant No.1 as well as others from using the registered trademarks of the Plaintiffs i.e.,

  ,  , or any other mark which is

‘TATA’, ‘TATA’, ‘TATA POWER’,

 ,  ,

deceptively similar to the Plaintiffs registered trademarks. He states that similar directions were passed by this Court vide order 08.04.2025. The relevant part of the orders dated 14.11.2024 and 08.04.2025 reads as under:

Order Dated 14.11.2024:



45. Considering the substantial goodwill and reputation of the plaintiffs and the fact that the services offered by them are highly technical and expensive, the misuse of the plaintiffs' trademarks by the defendant no.1 is deceitful, *malafide*, and intended to wrongfully and illegally gain monetary sums from the public. The unauthorized use of the plaintiffs' trademarks, *prima facie*, amounts to infringement and passing off.

46. On perusal of the material placed on record, a *prima facie* case has been made out on behalf of the plaintiffs. Balance of convenience is also in favour of the plaintiffs and against the defendants. Irreparable injury would be caused to the plaintiffs if an *ex-parte ad interim* injunction as prayed for is not granted in favour of the plaintiffs.

47. Accordingly, till the next date of hearing, the defendant no.1 (and such other entities which are discovered during the course of the proceedings to be engaged in infringing or passing off the plaintiffs said trademarks) are

restrained from using the plaintiffs' trademarks TATA, , , TATA POWER,  and , or any other mark which is deceptively similar to the plaintiffs' registered trademarks.

48. The defendants no.2 to 4, Bharti Airtel Limited, Reliance Jio Infocomm Ltd. and Vodafone Idea Limited, are directed to temporarily block the mobile numbers +91-8582918388, +91-6284623558, +91-6290642946, +91-7294167526, +91-9088122986, +91-7384958215 and +91-8920950301 and to provide details of owners of the aforementioned mobile numbers.

49. The defendants no. 5 to 13 i.e., the various banks where the defendant no. 1 have bank accounts, are directed to freeze the respective bank account numbers mentioned in paragraph 21 of the application and provide details of the respective account holders and documents thereto including bank statements, identity proofs and registration forms, etc., available with the defendants no. 5 to 13.



50. The defendant no.14/Bank of Baroda, is directed to freeze the bank account associated with the UPI ID: bhoom63536188@barodampay and provide the details of the respective account holder and documents thereto including bank statements, identity proof and registration form, etc., available with the defendant no.14.

51. The defendant no.15/National Payments Corporation of India, is directed to freeze the UPI ID: bhoom63536188@barodampay and provide KYC details of the respective UPI ID holder and documents thereto.

52. The defendants no. 16 and 17, Department of Telecommunications and Ministry of Electronic Information and Technology respectively, are directed to issue notifications calling upon the telecom service providers registered under it to block the mobile numbers +91-8582918388, +91-6284623558, +91-6290642946, +91-7294167526, +91-9088122986, +91-7384958215 and +91-8920950301.

53. In light of the directions passed above, the defendants no.2 to 17 are also directed to file compliance affidavit(s) within a period of 4 weeks from the date of service with an advance copy served to the counsel for the plaintiff.

Order Dated 08.04.2025

L.A. 9182/2025 (u/O-XXXIX Rules 1 & 2 of the CPC)

17. This is a fresh application filed on behalf of the plaintiffs under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (hereinafter 'CPC') seeking grant of *ad interim* relief against the newly impleaded defendants no.18 and 19.

18. *Vide* order dated 14th November, 2024, this Court had granted an *ex-parte ad interim* injunction in favour of the plaintiffs and against the defendant no.1 and certain directions were also issued *qua* proforma defendants no.2 to 17.

19. It is the case of the plaintiffs that the defendant no.18, in connivance with the defendant no.1, is contacting the current and prospective dealers/customers of the plaintiffs *via* calls as well as emails claiming to be employees of the plaintiff no.1 and collecting sums of money and duping innocent consumers.

20. Based on the averments made in the present application, a *prima facie* case has been made out in favour of the plaintiffs and against the newly impleaded defendant no.18. Clearly, the plaintiffs' registered trade marks are being used by the newly impleaded defendant no.18 with the clear intent to defraud, dupe and deceive the plaintiffs' current and prospective dealers/consumers, who would associate the activities of the newly impleaded defendant no.18 to be originating from the plaintiffs.



21. Balance of convenience is also in favour of the plaintiffs and against the newly impleaded defendant no.18. Irreparable loss, harm and injury would be caused to the plaintiffs if the newly impleaded defendant no.18 continues to use the impugned domain name, which bears the plaintiffs' registered

marks and are likely to cause confusion among the unwary consumers. Prejudice would also be caused to the public at large as the potential dealers/ customers of the plaintiffs are being targeted and defrauded by the newly impleaded defendant no.18.

22. In view of the above, unless an *ex-parte ad interim* injunction is granted in favour of the plaintiffs and against the newly impleaded defendant no.18, it shall continue to dupe and defraud the public.

23. Consequently, till the next date of hearing, the defendant no.18, its owners, proprietors, employees, partners, representatives and/ or others acting for and on its behalf are restrained from using the marks TATA, TATA

POWER, , ,  and 
 or any deceptively similar variant thereof.

24. Further, the defendant no.2 is directed block the mobile number +91-8597848806 and provide the details of the owners of the said mobile number.

25. The defendant no.6 (Punjab National Bank) is directed to freeze the bank account bearing account number 0768101100000204 and provide details of the respective account holders along with documents including bank statements, identity proofs and registration form, etc. available with the aforesaid Bank pertaining to the aforesaid account number.

26. The defendant no.8 (Indian Overseas Bank) is directed to freeze the



bank account bearing account numbers 329301000006310 and 379101000005061 and provide details of the respective account holders along with documents including bank statements, identity proofs and registration form, etc. available with the aforesaid Bank pertaining to the aforesaid account numbers.

27. The defendant no.13 (Canara Bank) is directed to freeze the bank account bearing account numbers 110207981250 and 110228811107 and provide details of the respective account holders along with documents including bank statements, identity proofs and registration form, etc. available with the aforesaid Bank pertaining to the aforesaid account numbers.

28. The defendant no.17 (Bank of Baroda) is directed to freeze the bank account bearing account number 79900100007902 and provide details of the respective account holders along with documents including bank statements, identity proofs and registration form, etc. available with the aforesaid Bank pertaining to the aforesaid account numbers.

29. The newly impleaded defendant no.19 is directed to lock and suspend the impugned domain name www.tatasolarpowerdistributor.com and associated email address(es) as also disclose the contact particulars and KYC details of the registrant of the aforesaid domain name.

30. The defendant no.16 (DoT) and the defendant no.17 (MeitY) are directed to issue notifications calling upon the various internet and telecom service providers registered under them to block access to the impugned website accessible at the impugned domain name www.tatasolarpowerdistributor.com and mobile number +91-8597848806 identified by the plaintiffs.

31. The aforesaid directions shall be complied with by the aforesaid

defendants within two (2) weeks from service and the necessary compliance affidavits with regard to the same shall be filed within four (4) weeks thereafter.

3.3. He states that the Plaintiffs in the captioned application are pressing for decree in terms of the prayers encapsulated in paragraphs '29 (a)' to '(h)' of the amended plaint against the Defendant Nos. 1 and 18.

3.4. He states that the Plaintiffs would be satisfied if the underlying suit is



disposed of qua Defendant Nos.1 and 18 and other Defendants in terms of the interim orders dated 14.11.2024 and 08.04.2025. He states that Defendant Nos. 1 and 18 have no real prospect of defending their claims. He states that therefore, in these circumstances the present application be allowed.

3.5. He states that with respect to Defendant Nos. 2 to 17, the Plaintiff is satisfied with the compliance of Defendant Nos. 2 to 17 (except Defendant Nos.10 and 13) and in this regards he refers to the proceedings recorded in order dated 15.07.2025.

3.6. In addition, he states that a dynamic injunction may be granted reserving liberty to the Plaintiffs to approach this Court by filing an appropriate application with a prayer to the learned Joint Registrar to extend the injunction granted vide orders dated 14.11.2024 and 08.04.2025 to any other mirror website/URL which may be discovered at a subsequent stage.

4. None appears on behalf of Defendant Nos.1 and 18.

Finding and Analysis

5. This Court has heard learned counsel for the Plaintiffs and perused the record.

6. An affidavit of service dated 22.07.2025 has been filed on record by the counsel for the Plaintiffs which records that while there is no valid telephone number available for serving Defendant No.1, service on Defendant No.18 has been duly affected on its e-mail address and the said e-mail has not bounced back.

7. The plaint has been duly verified and is also supported by the affidavit of the authorised representative of the Plaintiffs. In view of the fact that the only contesting Defendants in the present case are Defendant Nos.1 and 18,



who have not filed any written statement, therefore, all the averments made in the plaint have to be taken to be admitted. Further, since no affidavit of admission/denial has been filed on behalf of the Defendant Nos. 1 and 18 in respect of the documents filed with the plaint, in terms of Rule 3 of the Delhi High Court (Original Side) Rules, 2018, the same are deemed to have been admitted.

8. Therefore, this Court is of the opinion that no purpose would be served by directing the Plaintiffs to lead ex-parte evidence by filing an affidavit of examination-in-chief and the Plaintiffs are entitled to a summary judgment.

9. On perusal of the averments made in plaint and the evidence on record, the Plaintiffs have been able to prove that the Plaintiffs are the

registered proprietor of the trademarks ‘TATA’, ,
, ‘TATA POWER’, ,
,

10. Further, the impugned domain name and email address used by the Defendant No. 18 makes it apparent that the said Defendant No. 18 has slavishly copied the Plaintiffs’ registered and well-reputed trademarks i.e.,



‘TATA’, ‘TATA POWER’ and ‘

11. In view of the aforesaid facts a clear case of infringement of trademarks and passing off is made out against the Defendant No.18 and in favour of the Plaintiffs.

12. At this juncture it would be relevant to refer to the judgment of this Court in *Su-Kam Power Systems Ltd. v. Kunwer Sachdev*¹, wherein the Court while dealing with Order XIII-A of the CPC held as under:

“90. To reiterate, the intent behind incorporating the summary judgment procedure in the Commercial Court Act, 2015 is to ensure disposal of commercial disputes in a time-bound manner. In fact, the applicability of Order XIII-A, CPC to commercial disputes, demonstrates that the trial is no longer the default procedure/norm.

91. Rule 3 of Order XIII-A, CPC, as applicable to commercial disputes, empowers the Court to grant a summary judgement against the defendant **where the Court considers that the defendant has no real prospects of successfully defending the claim and there is no other compelling reason why the claim should not be disposed of before recording of oral evidence.** The expression “real” directs the Court to examine whether there is a “realistic” as opposed to “fanciful” prospects of success. This Court is of the view that the expression “no genuine issue requiring a trial” in Ontario Rules of Civil Procedure and “no other compelling reason for trial” in Commercial Courts Act can be read mutatis mutandis. Consequently, Order XIII-A, CPC would be attracted if the Court, while hearing such an application, can make the necessary finding of fact, apply the law to the facts and the same is a proportionate, more expeditious and less expensive means of achieving a fair and just result.

92. Accordingly, unlike ordinary suits, Courts need not hold trial in commercial suits, even if there are disputed questions of fact as held by the Canadian Supreme Court in Robert Hryniak (supra), in the event, the Court comes to the conclusion that the defendant lacks a real prospect of successfully defending the claim.”

¹ 2019 SCC OnLine Del 10764.



(Emphasis supplied)

13. In the overall conspectus and considering the law settled a decree of permanent injunction is hereby passed in favour of the Plaintiffs and against Defendant Nos.1 and 18 in terms of prayer clauses at paragraphs ‘29 (a)’ to ‘(h)’ of the amended plaint dated 03.04.2025.

Further, in view of this permanent injunction granted, the Defendant No.18, is directed to suspend the domain name ‘www.tatasolarpowerdistributor.com’.

Directions to Defendant Nos. 10 and 13

14. Defendant Nos. 10 and 13 are directed to forthwith file their compliance affidavit in terms of order dated 15.07.2025.

Directions to Defendant Nos. 5 to 14

15. Defendant Nos. 5 to 14 are directed to freeze and transfer the funds lying in the bank accounts enlisted at paragraph no. ‘20’ of the amended plaint to Reserve Bank of India’s Depositor and Education Awareness Fund, within four weeks (4) from today, if they have not received any attachment order from any Court and/or enforcement agency. The said paragraph no. ‘20’ of the amended plaint reads as under:

“20. In a nutshell, Defendant Nos. 5-14, viz., Bank of India, Punjab National Bank, Kotak Mahindra Bank, Indian Overseas Bank, HDFC Bank Limited, Central Bank of India, Yes Bank Limited, Federal Bank, Canara Bank and Bank of Baroda are the respective Banks wherein the impostor Defendants have their bank accounts. The respective details of the bank accounts are as follows:

ACCOUNT NUMBER/UPI ID	RESPECTIVE BANK
598610110000361	Bank of India
4989000100095322	Punjab National Bank
2648291918	Kotak Mahindra Bank



110166889662	Canara Bank
267901000011103	Indian Overseas Bank
50200096500394	HDFC Bank
5529420780	Central Bank of India
041752400002896	Yes Bank
18290100048666	Federal Bank
50100674313320	HDFC Bank
110148886415	Canara Bank
bhoom63536188@barodamp ay (UPI ID) (sic)	Bank of Baroda
110207981250	Canara Bank
0768101100000204	Punjab National Bank
79900100007902	Bank of Baroda
329301000006310	Indian Overseas Bank
379101000005061	Indian Overseas Bank
110228811107	Canara Bank

It is submitted that the only correct information provided by Defendant No. 1 & Defendant No. 18 are the Bank Account Numbers and surprisingly in few of the instances other details such as IFSC Code and Account Name are incorrect. Therefore, Plaintiffs are taking the liberty of arraying head offices of the respective Banks for the limited purpose of ensuring timely compliance with any orders of this Hon'ble Court that may be passed at present or in the future.”

15.1. Let an affidavit of compliance be filed on behalf of Defendant Nos. 5 to 14 within six (6) weeks from today.

16. With respect to remaining Defendants i.e. Defendant Nos. 2 to 17 (except Defendant Nos.10 and 13), in view of the submission of the learned counsel for the Plaintiffs that the said Defendants have complied with the directions of this Court, it is noted that the relief sought against the said



defendants in this suit already stands satisfied. Thus, no directions are issued against these defendants and the suit is disposed of as satisfied against them.

17. Learned counsel for the Plaintiffs states that he does not press for the remaining reliefs i.e., prayer clauses at paragraph 29 (i) and (j) prayed for in the suit (the amended plaint dated 03.04.2025). The said prayer clauses read as under:

- “i. Pass and pronounce a final money decree in favour of the Plaintiffs and against Defendant No. 1 & Defendant No. 18 for payment of damages in the sum of INR 2,00,02,000/- or in such higher sum as may be determined/ascertained pursuant to rendition of accounts;
- j. A ward costs of the Suit”

In view of the said submission of the learned counsel for the Plaintiffs suit qua prayer clauses at paragraph 29 (i) and (j) is disposed off as not pressed.

Dynamic Injunction

18. Learned counsel for the Plaintiffs states that the Plaintiffs be granted liberty to implead any other mirror/redirect/alphanumeric website which provides access to the Defendant No. 18, by filing an appropriate application under Order I Rule 10 CPC so that the decree can be extended to the said party. For seeking this relief in nature of dynamic injunction the learned counsel for the Plaintiffs relies upon the judgments of this Court in and ***UTV Software Communication Ltd. & Ors. V. 1337X.to& Ors.***² and ***Warner Bros. Entertainment Inc v. HTTPS://SKYMOVIES.LIVE& ORS***³.

19. Having perused the judgment in ***UTV Software Communication Ltd.*** (supra) and ***Warner Bros. Entertainment Inc*** (supra), this Court is of

² 2019 SCC Online Del 8002.



the opinion that the Plaintiff is entitled to implead any other mirror/redirect/alphanumeric website which provides access to Defendant No. 18 by filing an appropriate application under Order I Rule 10 CPC supported by affidavit and evidence as directed by **UTV Software Communication** (supra) before the Court. After examination of evidence, any website impleaded as a result of such application will be subject to the same decree as passed today.

20. The suit stands disposed of in the aforesaid terms.
21. Let a decree sheet be drawn up accordingly.
22. The pending application stands disposed of.
23. Future dates stand cancelled.

MANMEET PRITAM SINGH ARORA, J

JULY 30, 2025/gm

³ CS(COMM) 409/2019 decided on 08.09.2022, paragraph nos. 26 and 28.