

\$~30(OS), 1(OS) to 29(OS)

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

Date of Decision: 10th February, 2023

+ **CS (COMM) 135/2022 & I.As. 3423/2022, 9363/2022, 12156/2022, 16505/2022, 1221/2023, 1222/2023**

DABUR INDIA LIMITED

..... Plaintiff

Through: Mr. Anirudh Bakhru, and Mr. Kripa Pandi, Advocates. (M:9810013453)

versus

ASHOK KUMAR AND ORS

..... Defendants

Through: Mr. Yashvardhan Singh, Advocate for D-1. (M:9667056770)

Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat Alexander Mathai Paikaday, Advocates (M: 9810788606).

Ms. Kruttika Vijay, Ms. Geetanjali Viswanathan, & Ms. Aishwarya Kane, Advs. for D-5 (M-9910083144)

Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-7. (M:8800556341)

Mr. Darpan Wadhwa, Sr. Advocate with Mr. Alipak K. Banerjee, and Ms. Shweta Sahu, Advs. for D-4 & 15.

Mr. Harish V. Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat & Mr. Alexander Mathai Paikaday, Advocates.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

ACP Raman Lamba with Insp. Suneel Siddhu, IFSO, Special Cell.

(1) WITH
 + **CS (COMM) 20/2019 & I.As.561/2019, 20157/2022**
 TATA SKY LIMITED Plaintiff
 Through: Mr. Vinayak, Advocate.
 (M:9013008939)

versus
 S G ENTERPREISES – TATA SKY SALES AND SERVICES AND
 ORS. Defendants
 Through: Mr. Moazzam Khan, Ms. Shweta Sahu,
 Mr. Alipak Banerjee and Ms. Parva
 Khare, Advs. for D-5. (M:9987115749)
 Ms. Akshita Jain, Advocate for D-8.
 (M:9990526912)

(2) WITH
 + **CS(COMM) 193/2019 & I.As. 5399/2019, 11497/2019, 18216/2019,
 15451/2021, 6069/2022**
 COLGATE PALMOLIVE COMPANY & ANR. Plaintiffs
 Through: Mr. Pravin Anand, Mr. Saif Khan &
 Mr. Rohil Bansal, Advs.(M-
 9079965359)

versus
 NIXI & ANR. Defendants
 Through: Ms. Akshita Jain, Advocate for D-1
 (M-9990526912).
 Mr. Darpan Wadhwa, Sr. Advocate
 with Ms. Swati Agarwal, Ms. Binsy
 Susan, Mr. Shashank Mishra, Ms.
 Akshi Rastogi, Ms. Vaani Kaushik &
 Mr. Vaarish Sawlani, Advs for D-3-4.
 Mr. Anurag Ahluwalia, CGSC with Mr.
 Danish Faraz Khan, Mr. Abhigyan
 Siddhant and Mr. Rahul Sharma,
 Advocates for UOI (M-9999999045)
 with Mr. Tanmay Nirmal, Manager
 legal.
 Mr. Tentu Satyanarayan, Director

(Legal), UIDAI & Mr. Tanmaya Nirmal, Deputy Manager (Legal & Policy), UIDAI (M-9899113033).

Mr. Kushagra Goel & Mr. Abhimanyu Yadav, Advocates for D-7 (M-9711443294).

SI Prince Kumar, PS Hauz Khas.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(3)

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WITH

CS (COMM) 297/2019

MOTHER DAIRY FRUIT & VEGETABLE PVT. LTD..... Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shobhit Agarwal and Mr. Deepank, Advocates.

versus

KUMAR PRAHLAD & ANR.

..... Defendants

Through: Mr. Yash Vardhan Singh, Advocate for D-1.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH

CS (COMM) 298/2019 & I.As.8189/2019, 13215/2019, 13631/2019, 15695-96/2019, 14210/2021, 16707/2021

ULTRATECH CEMENT LIMITED & ANR. Plaintiff

Through: None.

versus

WWW.ULTRATECHCEMENTS.COM & ORS. Defendants

Through: Mr. Darpan Wadhwa, Sr. Advocate with Ms. Binsy Susan & Ms. Swati

Agarwal, Advocates for GoDaddy.
(M:9650001297)

Mr. Ananta Prasad Mishra & Mr.
Gagan Gupta, Advocates for D-9.
(M:9990937838)

Mr. Manish Mohan, CGSC for UOI.
(M-999910115)

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum, Inspector Suneel
Siddhu and SI Manzoor Alam.

(5)

WITH

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CS (COMM) 317/2019 & I.As. 8404-05/2019, 3270/2020

DHARAMPAL SATYAPAL LIMITED

..... Plaintiff

Through: Mr. Rajesh Yadav, Sr. Advocate with
Ms. Ruchira V. Arora and Mr.
Dhananjay Mehlawat, Advocates.
(M:9911006159)

versus

RAJNIGANDHA DISTRIBUTORS PRIVATE LIMITED

& ORS

..... Defendants

Through: Mr. Mahesh, Mr. Gulshan Kumar, Ms.
Shubhangi Sood & Ms. Aashi,
Advocates for D-2,3.

Mr V. P Singh, Advocate for D-10.

Mr. Siddharth Sangal & Ms. Nilanjani
Tandon, Advocates for D-11/SBI.

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

Mr. Santosh Kumar Tripathi, Standing
Counsel with Mr. Arun Panwar, Mr.
Tapes Raghav, Mr. Prudhumn Rao

and Mr. Mahak Rankawat, Advcoates.

(6)

WITH

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CS (COMM) 732/2019 & I.As. 3865/2020, 9234/2020, 4171/2021, 4172/2021

MONTBLANC SIMPLO GMBH

..... Plaintiff

Through: Mr. Pravin Anand & Mr. Devesh Ratan, Advs. (M:9810333571)

versus

MONTBLANCINDIA.COM & ORS.

..... Defendants

Through: Mr. Yajur Bhalla, Mr. Deepak Samota and Mr. Sumer Ahuja, Advocates for D-1, 2, 4 to 10 & 20. (M:9711009378)
Ms. Asiya Khan, Advocate for D-25 (M: 9971644936).
Mr. Alipak Banjerjee, Ms. Pava Khare & Ms. Shweta Sahu Advs for D-18.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(7)

WITH

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CS (COMM) 82/2020 & I.A. 2402/2020

JOCKEY INTERNATIONAL INC.

..... Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shobhit Agarwal and Mr. Deepank, Advs. (M:8800520258)

versus

WWW.JOCKEYFRANCHISE.COM & ORS. Defendants

Through: Mr. Vivek Jain and Ms. Aastha Tiwari, Advs. for D-4. (M:9871863446)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

- (8) WITH
 + **CS (COMM) 251/2020 & I.As. 5544/2020, 7655/2022**
 MICROSOFT CORPORATION & ANR. Plaintiffs
 Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.
- versus
 MS CZONE SOLUTIONS & ORS. Defendants
 Through: Mr. Sumit Nagpal, Ms. Nancy, Ms. Dolly Luthra and Ms. Aastha Sood, Advs for D-1 & 2. (M:9911995000)
 Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.
- (9) WITH
 + **CS (COMM) 255/2020 & I.As. 5590-91/2020, 11099/2020, 6402/2022**
 INDIAMART INTERMESH LIMITED Plaintiff
 Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.
- versus
 MR. AKASH VERMA & ORS. Defendants
 Through: Mr. Neel Mason, Mr. Uday Singh Chopra, Mr. Saransh Saini and Mr. Ujjawal Bhargava for D-2. (M: 9399304251).
 Mr. Saransh, Advocate for Ms. Nandita Rao, ASC (Crml.),GNCTD.
 Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki,

Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

(10)

WITH

+ **CS (COMM) 324/2020 & I.As. 6950/2020, 12588/2020, 12611/2020,
11510/2021**

MCDONALDS CORPORATION & ANR. Plaintiffs

Through: Ms. Priya Adlakha, Mrs. Bindra Rana,
Ms. Tanvi Bhatnagar, Ms. Rima
Majumdar and Ms. Shilpi Sinha,
Advocates. (M:9818202368)

versus

NATIONAL INTERNET EXCHANGE OF INDIA
& ORS. Defendants

Through: Mr. Vivek Jain & Mr. Aastha Tiwari,
Advocates for D-18 & 28
(M9811426480).

Mr. Alipak K. Banerjee and Ms.
Shweta Sahu, Advocates for D-5, 2, 6
7, & 8 (M: 9987115749).

Mr. Ravi Prakash, CGSC with Mr.
Sahonwlah Farmani Ali, Advocate for
D-35&36 (M-9469448888)

Mr. Santosh Kumar Rout & Mr.
Abhishek Chakraborty, Advocates for
D-13 to 17, 22, 26, 27, 31)

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum, Inspector Suneel
Siddhu and SI Manzoor Alam.

(11)

WITH

+ **CS (COMM) 373/2020 & I.A. 7995-96/2020, 7999/2020, 9171/2020,
84/2021, 430/2021 & 1371/2021**

ITC LIMITED

..... Plaintiff

Through: Mr. Pravin Anand, Ms. Vaishali, Mr.
Shivang Sharma & Mr. Siddhant
Chamola, Advocates

- versus
ASHOK KUMAR & ORS. Defendants
Through: Ms. Ritu Mishra, Advocate for D-6.
Mr. Hrithik Goyal and Ms. Lovleen Goyal, Advocates for D-12. (M:8826767020)
Ms. Deepika Kathuria, Adv. for D-14.
Ms. Asmita Kumar, Advocate for D-31. (M:9899967516)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.
- (12) WITH
+ CS (COMM) 424/2020 & I.A. 20246-47/2022
SHOPPERS STOP LIMITED Plaintiff
Through: Mr. Sagar Chandra, Ms. Shubhie Wahi, Ms. Ankita Seth and Ms. Sanya Kapoor, Advocates. (M:9810907412)
- versus
M/S SHOPPERSTOP & ORS. Defendants
Through: Mr. P.S. Sudheer and Ms. Anne Mathew, Advs. for D-5. (M:9891760039)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.
- (13) WITH
+ CS (COMM) 498/2020 & I.A. 10520-21/2020, 2506/2021, 2530/2021
MICROSOFT CORPORATION & ANR. Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.

versus
PCPATCHERS TECHNOLOGY PRIVATE LIMITED
& ORS. Defendants

Through: Mr. Sumit Nagpal, Ms. Nancy and Ms. Aashta Sood, Advocates for D-1, 2 & 3. (M:9911995000)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH
CS (COMM) 95/2021 & I.A. 4800/2021
THE HIMALAYA DRUG COMPANY & ORS. Plaintiffs

Through: Mr. Pravin Anand, Ms. Prachi Agarwal and Ms. Ms. Ridhie Bajaj, Advocates. (M:8800972785)

versus
ASHOK KUMAR & ORS. Defendants

Through: Mr. Alipak Banderjee, Ms. Shweta Sahu, Mr. Parva Khare and Mr. Brijesh Ujjaniwal, Advocates for Go Daddy (M: 9987115749).
Mr. Tushar Singh & Ms. Trisha Patnaik, Advocates for D-25.
Mr. Surinder Singh, Advocate for D-29 (M-9311325398)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH
CS (COMM) 154/2021 & I.A. 4692/2021, 10905/2022
GODREJ PROPERTIES LTD Plaintiff

Through: Mr. Pravin Anand, Mr. Vibhav Mithal

and Mr. Achyut Tiwari, Advocates.
(M:8447458389)

versus

ASHOK KUMAR & ANR.

..... Defendants

Through:

Mr. Darpan Wadhwa, Sr. Advocate with, Mr. Alipak Banerjee, & Ms. Shweta Sahu, Advocates for D-2. (M:9987115749)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH

+ **CS (COMM) 176/2021 & I.As. 14924/2022, 14925/2022**

SNAPDEAL PRIVATE LIMITED

..... Plaintiff

Through:

Ms. Tanya Varma & Ms. Devyani Nath, Advocates. (M:7042547106)

versus

GODADDYCOM LLC AND ORS

..... Defendants

Through:

Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat Alexander Mathai Paikaday, Advocates (M: 9810788606).

Ms. Shweta Sahu and Mr. Alipak Banerjee, Mr. Parava Khare and Mr. Brijesh Ujjainwal, Advs, for D-2,3,4,23,26,31. (M:9987115749)

Mr. Darpan Wadhwa, Sr. Advocate with Mr. Moazzam Khan, Mr. Alipak Banerjee and Ms. Shweta Sahu, Advocates for D-1 & 10.

Ms. Kruttika Vijay and Ms. Aishwarya Kane, Advocates for D-9. (M:9910083144)

Mr. Praveen Kumar Jain & Ms. Shalini Jha, for D-34. (M:9871278525)

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum, Inspector Suneel
Siddhu and SI Manzoor Alam.

(17)

WITH

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CS (COMM) 276/2021 & I.A. 7329/2021

MICROSOFT CORPORATION & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr.
Shantanu Sahay, Ms. Imon Roy and
Mr. Apoorv Bansal, Advocates.

versus

TECH HERACLES OPC PRIVATE LIMITED
& ORS. Defendants

Through: Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

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WITH

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**CS (COMM) 293/2021 & I.As.7543-44/2021, 10308/2021,
15052/2021**

TATA SONS PRIVATE LIMITED & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan Mr.
Achuthan Sreekumar & Mr. Rohil
Bansal Advocates. (M:9079965359)

versus

M/S ELECTRO INTERNATIONAL & ORS. Defendants

Through: Mr. M.K. Singh, Advocate for Mr.
Samir Chugh, Advocates for Airtel (M-
9810455716)

Ms. Deepika Kathuria, Adv. for D-8.

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,

Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

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WITH

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CS (COMM) 399/2021 & I.A. 10855/2021

HINDUSTAN UNILEVER LIMITED

..... Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

NITIN KUMAR SINGH & ORS.

..... Defendants

Through: Mr. Ankur Prakash, Ms. Simran Gill, Mr. Yudhishtir Bhardwaj, Mr. Dhananjay, Mr. Amod Bidhuri & Mr. Saquib Siddiqui, Advocates for D-1
Mr. Akshit Chaudhary, Advocate for D-5.
Mr. Bhagvan Swarup Shukla, CGSC with Mr. Kamaldeep, Advocate for UOI/D-18 & 19.
Mr. K.K. Singh, Advocate for D-27.
Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs for Reliance Jio.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

(20)

WITH

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CS (COMM) 524/2021 & I.A. 13715/2021, 4506/2022

KAMDHENU LIMITED

..... Plaintiff

Through: Mr. Nikhil Sonker, Advocate.
(M:7726021194)

versus

RAGHUNATH VIRDHARAM BISHNOI AND ORS. Defendants

Through: Mr. Rishabh Gupta and Mr. Abhishek Kumar Singh, Advocates.
 Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat Alexander Mathai Paikaday, Advocates (M: 9810788606).
 Mr. Lakshy Aggarwal, Advocate for D-3.
 Mr. Rishi Kapoor and Mr. Satish Rai, Advocates for D-3. (M:8368148214)
 Ms. Shweta Sahu, Mr. Alipak Banjerjee, Mr. Parva Khare and Mr. Brijesh Ujjainwal, Advocates for D-8. (M:9987115749)
 Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-9. (M:8800556341)
 Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advocates for D-10 (M-99101983636)
 Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs. for Reliance Jio.
 Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH
CS (COMM) 26/2022 & I.As. 612-13/2022, 954/2022
 HT MEDIA LTD Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates. (M:8017571175)

versus

POOJA SHARMA & ORS.

..... Defendants

Through:

Mr. Pramod K. Sah, Advocate for D-4.
 Ms. Deepika Kathuria, Adv. for D-10.
 Mr. Alipak Banerjee, Ms. Shweta Sahu,
 Mr. Brijesh Ujjainwal, and Adv. for
 D-19. (M:9987115749)
 Mr. Vihan Dang, Ms. Aditi Umapathy
 and Mr. Parva Khare, Advocates for D-
 20. (M:9911983636).
 Mr. M.K. Singh, Advocate for Mr.
 Samir Chugh, Advocate for Airtel.
 Ms. Hetu Arora Sethi, ASC, GNCTD
 with Mr. Arjun Basra, Advocate Jai
 Prakash, ACP, IFSO Cyber Cell along
 with Inspector Sanjeev Solanki,
 Inspector Kusum , Inspector Suneel
 Siddhu and SI Manzoor Alam.

(22)

WITH

+ **CS (COMM) 35/2022 I.As. 819/2022, 3168/2022, 4738/2022, 8767/2022**

KAJARIA CERAMICS LIMITED

..... Plaintiff

Through:

Mr. J. Sai Deepak, Ms. Priya Adlakha,
 Mrs. Bindra Rana, Ms. Tanvi
 Bhatnagar, Ms. Rima Majumdar and
 Ms. Shilpi Sinha, Advocates.
 (M:9818202368)

versus

GODADDY.COM LLC & ORS.

..... Defendant

Through:

Mr. Moazzam Khan, Ms. Shweta Sahu,
 Mr. Alipak Banerjee and Ms. Parva
 Khare, Adv. for D-1. (M:9987115749)
 Ms. Hetu Arora Sethi, ASC, GNCTD
 with Mr. Arjun Basra, Advocate Jai
 Prakash, ACP, IFSO Cyber Cell along
 with Inspector Sanjeev Solanki,
 Inspector Kusum , Inspector Suneel
 Siddhu and SI Manzoor Alam.
 Mr. Ashwani Kumar, Adv. for D-2.

Mr. Lakshy Aggarwal, Adv. for d-4
 Ms. Kirti Bhardwaj, Adv. for D-5(b).
 Mr. M.K. Singh, Advocate for Mr.
 Samir, Advocate (M-9810455716)
 Mr. Santosh Kr. Rout & Mr. Abhishek
 Chakraborty, Advocate for D-6.

(23)

WITH

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CS (COMM) 158/2022 & I.As. 3996-97/2022

MICROSOFT CORPORATION & ANR. Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr.
 Shantanu Sahay, Ms. Imon Roy and
 Mr. Apoorv Bansal, Advocates.

versus

VACATION RENTAL SERVICES PRIVATE LIMITED
 & ORS. Defendants

Through: Mr. Mayank Mehandra, Mr. Charu
 Tandon & Mr. Sarthak Kapoor & Mr.
 Raghav Tandon, Advocate for D-1 & 2.
 Mr. Ramnish Khanna, Adv. for D-7.
 SI Manzoor Alam, Cyber Police
 Station, South-East.
 Ms. Hetu Arora Sethi, ASC, GNCTD
 with Mr. Arjun Basra, Advocate Jai
 Prakash, ACP, IFSO Cyber Cell along
 with Inspector Sanjeev Solanki,
 Inspector Kusum , Inspector Suneel
 Siddhu and SI Manzoor Alam.

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WITH

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CS (COMM) 233/2022 & I.As. 5780-81/2022

BAJAJ FINACE LTD & ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin
 Sharma, Mr. Yatin Garg, Mr. Ranjeet
 Singh, Mr. Vivek Ayyagari, Mr. Angad
 Makkar, Mr. M. J. Sudarshan, Ms.
 Ramya Aggarwal and Mr. Sohrab
 Mann, Advocates.

versus

NIKO DAS & ANR.

..... Defendants

Through: Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advocates for D-3.

Mr. Neel Mason, Mr. V. Dang & Ms. Aditi, Advocates for D-3. (M:9971586598)

Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH

CS (COMM) 275/2022 & I.As. 6535-36/2022

HINDUSTAN UNILEVER LTD & ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

UNILEVERR1.IN & ORS. Defendants

Through: Ms. Deepika Kathuria, Adv. for D-9. Mr. S. Surender, Advocate for D-21. Ms. Asiya Khan, Advocate for D-25 Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel. Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

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WITH

CS (COMM) 364/2022 & I.As. 8518-20/2022, 12855/2022

AMAZON SELLER SERVICES PRIVATE LIMITED
& ANR.

..... Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

AMAZONBUYS.IN & ORS.

..... Defendants

Through: Mr. G. Mirza, Mr. Vishesh Sharma, Advocates for D-4. (M:7434045442)
Mr. Sohit Choudhary, Advocate for D-5.
Ms. Mrinal Ojha, Mr. Debarshi Dutta & Mr. Aayush Kevlani, Advocates for D-8 (M-9167094381)
Ms. Deepika Kathuria, Adv. for D-10.
Mr. Vineet Dhanda, CGSC with Mr. Abhishek Singh, Advocate for UOI/D-18 & 19.
Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(27)

WITH

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CS (COMM) 475/2022 & I.As. 10851-52/2022, 12173-74/2022

FASHNEAR TECHNOLOGIES PRIVATE LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

MEESHO ONLINE SHOPPING PVT. LTD. & ANR. Defendants

Through: Mr. Neel Mason, Mr. Vihan Dang, and Ms. Aditi Umapathy, Advocate for D-6. Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advs. for D-10. Mr. Darpan Wadhwa, Sr. Advocate with Mr. Alipak Banerjee, Mr. Brijesh Ujjainwal & Ms. Shweta Sahu, Advocate for D-7. Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan Siddhant and Mr. Danish Faraz Khan, Advocates for D-19 & 20. (M:9999999045) Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs for Reliance Jio. Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

(28)

WITH

+ **CS (COMM) 350/2020 & I.A. 7456/2020, 9624/2020, 9629/2020, 996/2021, 9204/2022, 16148/2022**

GUJARAT COOPERATIVE MILK MARKETING FEDERATION LTD & ANR. Plaintiff

Through: Mr. Abhishek Singh and Mr. J. Amal Anand, Mr. Elvin Joshy, Ms. Alisha Sharma & Ms. Insha Mushtaq, Advocates. (M:9910291290)

versus

AMUL-FRANCHISE.IN & ORS. Defendant

Through: Mr. Anil Soni, CGSC with Mr. Rahul Mourya, Adv. for UOI. (M:9560238258) Mr. Anurag Ahluwalia,, CGSC with Mr. Abhigyan Siddhant, G.P. and Mr.

Danish Faraz Khan, Advocate for UOI.
(M:9811418995)

Mr. Darpan Wadhwa, Sr. Advocate
with Mr. Alipak Banerjee & Ms.
Shweta Sahu and Advocates for D-26.
(M:9987115749)

Mr. Alipak Banerjee, Mr. Brijesh and
Ms. Shweta Shahu, Advocates for D-
27, 28 & 30.

Mr. Praveen Kumar Jain, and Ms.
Shalini Jha, Advocates for D-37.
(M:9871278525)

Mr. Ramesh Babu, Ms. Manisha Singh,
Ms. Jagriti Bharti, and Ms. Tanya
Chowdhary, Advocate for D-28 (M:
9971671294).

Mr. Vihan Dang and Mr. Parva Khare
& Ms. Aditi Umapathy, Advs for D-52.
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

(29)

WITH

+ CS (COMM) 228/2021 & I.As. 6441/2021, 11684/2021, 1412-
13/2022, 12160/2022, 12171/2022, 13443/2022, 14920/2022,
14923/2022, 17716-17/2022

BAJAJ FINANCE LIMITED

..... Plaintiff

Through: Mr. Abhishek Singh, Mr. Jamal Anand,
Mr. Elvin Joshy, Ms. Insha Mushtaq
Ms. Alisha Sharma & Mr. Ujjwal.

versus

REGISTRANT OF WWW.BAJAJ-FINSERVE.ORG
& ORS.

..... Defendants

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,

Mr. Sagar Mehlawat Alexander Mathai Paikaday, Advocates (M: 9810788606).

Mr. Alipak Banerjee, Ms. Shweta Sahu, Ms. Parva Khare and Mr. Brijesh Ujjainwal, and Advs. for D-7, 12, 14, 17, 6, 11 & 22 (M:9987115749)

Mr. Manish Paliwal, and Ms. Himanshi Kaushik, Advocates for D-18. (M:8448257585)

Mr. Akhil Sibal, Sr. Advocate with Mr. Aditya Gupta, Ms. Aishwarya, Mr. Sauhard Alung and Ms. Asvari Jain, Advocates for D-19. (M:9910083144)

Mr. Rajshekhar Rao, Sr. Advocate with Mr. Tine Abraham, Mr. Manasa Sundaraman C., Ms. Kshipra Pyare and Ms. Mansi Sood Trileyal, Advocates for D-28. (M:9324328752)

Mr. Ashok Kumar, Advocate for D-31. (M:9810011826).

Ms. Swati Aggarwal, Ms. Binsy Susan, Mr. Aasish Samasi and Mr. Mohit Singh, Advs. for GoDaddy.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh (Oral)

1. This hearing has been done through hybrid mode.
 2. This Court has been considering the above matters from time to time.
- The present set of suits and proceedings have been filed before this Court, by a large number of trademark and brand owners, seeking reliefs against misuse

of their marks / names / brands by unauthorized persons, who register such marks as part of their domain names. The primary issue that arises in these cases is that the proliferation of these fraudulent and illegal domain names has resulted in enormous damage to innocent and gullible members of the public, who have mistakenly paid large sums of money to the said website owners/domain name owners. From time to time, directions have been issued by this Court for blocking and for removal/suspension of the domain names and pulling down of the websites.

The appointment of grievance officers by Domain Name Registrars (DNR) and giving effect to orders passed by this Courts and other authorities.

3. It is seen in these matters that the details for the persons registering the illegal domain are usually not available on the website. In view of the same, vide order dated 3rd August, 2022, recommendations were to be given by MEITY after consulting various stakeholders, including the CGPTDM, DOT, NIXI, Delhi Police, etc on the following aspects:

- “(i) The manner in which the details of the domain name registrants, can be verified by the DNRs, at the time of registration of domain names;*
- (ii) The manner in which the privacy protect feature and proxy servers are made available: whether it is only upon a specific registrant choosing the said option, rather than as a standard feature as part of a 'bundle' ;*
- (iii) If the owner of a well-known brand or a trademark contacts any DNR, the manner in which the data related to the registrant can be provided, without the intervention of a Court, or any governmental agency;*
- (iv) Whether the identity of the owner of a domain name, which consists of a registered trademark or a known brand can be verified at the time of registration itself;*
- (v) If a specific link could be provided by the CGPTDM, covering a list of well-known marks, maintained by the*

Registrar of the Trademarks, or declared by any Court of law, which can then be used for expedited blocking of domain names consisting of such marks;

(vi) If there can be any agency that can be identified in India, such as NIXI, who can be made a repository of the data concerning the registrant, or an agency through which the data could be transmitted by the DNR, upon verification by NIXI, in case a trademark owner has a grievance against a specific domain name;

(vii) If any directions are issued to the DNRs, and the same are not implemented, the manner in which the implementation of the said orders can be ensured;

(viii) Since almost all, domain names are registered only after payments are made through credit card, or other online payment methods or apps, is it possible, upon request by any identified agency, to provide the information relating to the person who has made the payment, to the trademark owners. This should be discussed in the aforementioned meeting to be held on 30th August, 2022. ”

4. In addition, a further aspect to be considered by the MEITY and DoT as recorded in the order dated 14th September, 2022, was the issue of whether grievance officers had been appointed by the DNRs and in case of no information regarding the same, MEITY was to take steps in accordance with law. A status report detailing the steps taken by MEITY was also to be filed. The said status report reflecting the action taken by the MEITY has been placed on record. The relevant part of the same is as under:

S. No.	RELEVANT PARA OF THE ORDER SHEET DATED 14.09.2022	ACTION TAKEN
7.	Para No. 34 Insofar as those DNRs which have appointed Grievance Officers are concerned, including	On 16.11.2022, an email has sent to the Jia Rong Low the Vice President, Stakeholder Engagement and Managing Director Asia Pacific ICANN

<i>Newfold Group and Google, it is made clear that they ought to function in accordance with law including the IT Rules, 2021. In such cases, Plaintiffs are permitted to make advance service in cases relating to domain names registered with the said DNRs to the Grievance Officers through the contact details of the grievance officers. It would then be expected in such cases, that the said DNRs would enter appearance or facilitate the compliance and give effect to the orders or directions passed by Courts.</i> Para No.35 <i>No other DNRs have made any submissions before this Court today. MeitY is directed to look into the issue of appointment of Grievance Officers by the other DNRs who are parties in these suits.</i> Para No.36 <i>If the said DNRs have not appointed Grievance Officers, one week's time shall be given to them for</i>	<i>regarding the appointment of Grievance Officers by ICANN accredited DNRs</i> <i>ICANN has also submitted its response to the MeitY. It is pertinent to mention here that, in response ICANN has not provided the details of Grievance officer of ICANN accredited DNR. ICANN has mentioned that ICANN's relationship with ICANN accredited Registrars is merely contractual. ICANN does not provide legal counsel to ICANN accredited registrars and does not coordinate their participation in, or responses to, Court directives. Accordingly, ICANN does not currently have any information with regard to the appointment of Grievance Officers by the registrars identified.</i> <i>A copy of the Correspondence with ICANN is placed at Annexure - 7.</i> <i>On 13.11.2022, through NIXI, a notice has been circulated in the newspapers "Times of India" and "Hindustan Times" throughout the country by requesting the ICANN accredited DNRs to appoint Grievance Officer in their organization accordingly. The</i>
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	<i>making the appointments in accordance with the IT Rules, 2021. If the said compliance is not made by DNRs, MeitY is free to proceed in accordance with law against such DNRs who are offering their domain name registration, hosting and related services in India, without complying with the local laws. A status report be put up by MeitY by the next date, on this aspect including the steps taken by MeitY pursuant to the directions contained above.</i>	<i>screenshot of the notice published newspaper is placed at Annexure -8.</i> <i>In addition, MeitY vide its email dated 29.12.2022 requested 'I CANN accredited DNRs for .com/.net/.org' for appointment of Grievance Officer or establishment of Grievance Redressed Mechanism by DNRs as prescribed under Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The same is placed at Annexure - 8A.</i> <i>None of the ICANN-accredited DNRs for .com/.net/.org' have responded.</i> <i>In persuasion of aforementioned actions from MeitY and NIXI, all twenty (20) .IN DNRs have shared the details of Grievance Officers appointed by them. A copy of the current status of the appointment of .IN DNRs is placed at Annexure - 9.</i>
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5. The response of MEITY insofar as the issue relating to non-appointment of grievance officers is as under:

S. No.	ISSUE IDENTIFIED BY HON'BLE DELHI HIGH COURT UNDER PARA NO. 36 OF COURT	RESPONSE
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	ORDER 13.08.2022	
	<i>1. If the said DNRs have not appointed Grievance Officers, one week's time shall be given to them for making the appointments in accordance with the IT Rules, 2021. If the said compliance is not made by DNRs, MeitY is free to proceed in accordance with law against such DNRs who are offering their domain name registration, hosting and related services in India, without complying with the local laws. A status report be put up by MeitY by the next date, on this aspect including the steps taken by MeitY pursuant to the directions contained above.</i>	<i>As of today, MeitY does not have powers to take action against noncompliant domain name registrars. On the order of the Hon'ble Court, action on blocking of website and email IDs would be taken. The power of such blocking is vested with DoT through ISPs.</i>

6. It is noticed that there are two sets of DNRs which are operating in India.

- The first sets of DNRs are those who offer various Global Top Level Domains (GTLDs) such as (.com), (.net) and (.org). Some such DNRs have agreed to appoint grievance officers and implement orders passed by Indian Courts/Authorities. However, a number of DNRs have either not responded to MEITY or have belatedly refused to comply with the orders passed by this Court.
- The second set of DNRs which operate in India are (.in) DNRs. In so far as (.in) DNRs are concerned, they are stated to have appointed Grievance Officers, as reflected in MEITY's report.

7. In addition, Id. Counsel for the Plaintiffs in some of the matters have also informed the court that a number of DNRs have completely refused to comply with the blocking orders and other directions issued by this Court, in respect of infringing domain names.

8. In view of the aforementioned facts which have come to light through MEITY's status report, the submissions made before this Court from time to time and the e-mails which have been placed on record today, such as e-mails by Namecheap Inc, it is clear that stringent steps would be required to be taken, in order to curb the menace of illegal domain name registrations having well known marks and names of business houses. It is accordingly directed that MEITY/DoT/the appropriate authority shall take steps action in accordance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 against DNRs who do not agree to comply with the said Rules or do not appoint grievance officers or implement orders of Indian Courts/Authorities.

9. Ld. Counsel for the Plaintiffs are free to communicate with the official from MEITY Mr. Pradip Verma, who shall act as the nodal officer for this purpose to coordinate with DoT and any other authorities, at the e-mail address pradip.verma@meity.in and submit their respective lists of DNRs who are stated to be not complying with the orders passed by this Court and not appointing the grievance officers.

10. It is directed that the concerned MEITY/DOT officials shall peruse the various orders which are passed in these proceedings prior to taking any action under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Steps in respect thereof, in terms of

Rules be taken within four weeks. The action so taken shall be placed on record by MEITY by means of a status report by the next date of hearing.

Bank Account Details and Matching of the Bank Account Holder's Name with Account Number and Other Details

11. On 14th September, 2022, during the hearing, it was brought to the attention of the Court that in many cases under consideration, there was a mismatch between the name of the account holder of the bank account, and the name given in the billing details. The fact that whenever payments are made into a bank account, the name of the account holder and the name of the recipient are not matched and it is only the account number which is matched, is leading to innocent consumers being duped. From the submissions made it appears that currently there is no verification done by banks *qua* the name of the account holder at the time of payment transaction.

By way of illustration, if ,bank account no. 1234 is in the name of one Mr. XXX, and as per the billing details, the payment is being made to 'YYY Pvt. Ltd', with bank account no. 1234, the said mismatch would not be taken note of by the bank and only the account number is verified for the purposes of accepting deposits.

12. Taking note of this submission, on the last date of hearing, i.e., 1st December, 2022, the Court had directed RBI, impleaded as Respondent No.38 in **CS (COMM)- 350/2022** titled **Gujarat Cooperative Milk Marketing Federation Ltd. v. Amul-Franchise.in** to place its stand on record in regard to the aforementioned issue. The said direction reads:

“ 15. In this regard, it has also been noticed that the Reserve Bank of India, impleaded as Defendant No.38 in CS(COMM) 350/2022, has not entered appearance today.

Let fresh notice be issued to the nominated counsel for the Reserve Bank of India for appearance in this matter.

16. Ld. counsel for the Plaintiffs to serve a copy of this order to the nominated counsel for RBI as well.

17. Registry to also give intimation to the nominated counsel of RBI and attach with the same, the order of this Court dated 14th September, 2022. The RBI shall also place its stand on record on the aspect of discrepancies between account holders' name and the name of the account itself and recommendations as to the way forward."

13. Today, Mr. Ramesh Babu, Id. Counsel for the RBI has handed over a copy of its affidavit dated 9th February, 2023 in compliance of the order dated 1st December, 2022. The stand of the RBI is that various guidelines in respect of RTGS and NEFT transactions have already been issued and guidelines are regularly issued from time to time in respect of mandatory compliances that are to be affected by banks at the time of opening of accounts etc.

14. Insofar as the question as to whether both the beneficiary account number and the account holder's name have to match while receiving payments or deposits, into a particular account is concerned, the stand of the RBI is as under:

"6. It is most humbly submitted that the RBI has not issued any specific instruction advising banks to ensure that the name of bank account holder and the names in the billing details correspond with each other. It is however, of significance to mention here that the RBI has already issued guidelines in relation to Real Time Gross Settlement (RTGS)/National Electronic Fund Transfer (NEFT) transactions viz., 'Electronic payment products - Processing inward transactions based solely on account number information', vide Circular No. DPSS (CO) EPPD No./863/04.03.01/2010-11 dated October 14, 2010.

These guidelines, as is explicitly stated therein, have been issued with respect to various electronic payment products introduced by RBI to facilitate electronic transfer of funds in a secure and efficient manner. A copy of the Circular No. DPSS (CO) EPPD No./863/04.03.01/2010-11 dated October 14, 2010 has been annexed herewith and marked as **Annexure D-1.**

7. That, Paras 2, 3 and 4 of the said Circular, explain the challenges with manual intervention in processing transactions. It is submitted that in Core Banking Solutions (CBS) environment, customers of a bank can be uniquely identified by their account numbers across branches. However, in terms of the extant Procedural Guidelines for RTGS / NEFT / National Electronic Clearing Services (NECS) Electronic Clearing Service (ECS) Credit, banks are generally expected to match the name and account number information of the beneficiary before affording credit to the account. In the Indian context, many different ways in which beneficiary names can be written, it becomes extremely challenging to perfectly match the name field contained in the electronic transfer instructions with the name on record in the books of the destination bank. This leads to manual intervention hindering Straight Through Processing (STP) and causing delay in credit or due return of uncredited instructions. Any manual intervention not only delays completion of the instruction but also provides scope for error and fraudulent intent. Responsibility for accurate input and successful credit lies with the remitting customers and the originating banks. The role of destination banks is limited to affording credit to beneficiary's account based on details furnished by the remitter/originating bank. In order to handle surging volumes in a limited time window, some banks use name matching software, while a few others employ a risk- based approach based on the nature and value of transfer.

8. It is submitted that Para 5(1) of the said Circular states that responsibility to provide correct inputs in the payment instructions, particularly the beneficiary account number, rests with the remitter/originator. **While the beneficiary's name shall be compulsorily mentioned in the instruction request and carried as part of the funds transfer message, reliance will be only on the account number for the purpose of affording credit. The said instructions are applicable both for transaction requests emanating at branches and those originated through online/internet delivery channels.** The name field in the message formats will, however, be a parameter to be used by the destination bank based on risk perception and/or use for post-credit checking or otherwise.

9. Further, under Para 5 of said Circular, the banks are also advised to introduce following features for enhancing safety and security of electronic payments:

- i. Banks should put suitable disclaimers on the funds transfer screens in the online/internet banking platform and funds transfer request forms advising customers that credit will be effected based solely on the beneficiary account number information and the beneficiary name particulars will not be used therefor.
- ii. Destination banks may afford credit to the beneficiary's account based on the account number as furnished by remitter/originating bank in the message/data file. The beneficiary's name details may be used for verification based on risk perception, value of transfer, nature of transaction, post-credit checking, etc.

- iii. Member banks shall take necessary steps to create awareness amongst their customers about the need for providing correct account number information while making payments through RTGS/NEFT/NECS/ECS Credit.

In addition to the above, the beneficiary banks are advised that, in cases where it is found that credit has been afforded to a wrong account, banks need to establish a robust, transparent and quick grievance redressal mechanism to reverse such credits and set right the mistake and/or return the transaction to the originating bank. This particularly needs to function very efficiently and pro-actively till such time customers are comfortable with the new arrangements.

10. It is submitted that Immediate Payment Service (IMPS), one of the modes of electronic fund transfer is operated by National Payments Corporation of India (NPCI). **NPCI has enabled the banks to offer beneficiary account validation functionality to confirm the beneficiary account name (as per bank CBS) and account status before making the transaction. Banks need to ensure that they are equipped for providing this functionality and also necessary changes in their Bank application (net banking/mobile banking) User Interface (UI)/User Experience (UX) to enable this functionality to their customers in the transaction process flow. Unified Payments Interface (UPI), which is also operated by NPCI offers the functionality wherein the customer can verify the beneficiary UPI ID/Virtual Payment Address (VPA) from the app thus providing a layer of protection to the remitter.**

15. Mr. Ramesh Babu, Id. Counsel appearing for the RBI submits that without conducting KYC verification, it is not permissible for a bank to open an account. However, he submits that insofar as the beneficiary account

validation functionality i.e., confirming the name of the beneficiary's account and not merely the account number is concerned, the said functionality is available with banks and it is for them to enable the same if they choose to do so. This mechanism has been introduced by NPCI.

16. Ld. counsel for the Plaintiffs, however, submits that the entire difficulty has arisen because of the fact that the banks only seek to match the account number while accepting payments through online, electronic and offline modes and do not verify the name of the beneficiary and match the same with the account holder's name.

17. In the opinion of this Court, the RBI needs to take steps in order to curb malpractices as has been seen in all these suits where amounts have been accepted by banks in the names of well-known companies but the bank account stands at the name of some third party.

18. Id. Counsel for the RBI to seek instructions as to whether the RBI can issue guidelines making it mandatory for banks to match the beneficiary's name/ name in the billing details with the account holder's name and not merely the account number, whenever banks accepts online or offline payments.

19. Let an affidavit in this regard be placed on record by the RBI within 4 weeks.

Investigation of Criminal Complaints

20. A common status report on behalf of Special Cell of Delhi Police dated 8th February, 2023 has been filed by Ms. Hetu Arora Sethi, Id. ASC giving the status of investigation in all the 30 suits. The Id. ASC submits that in some cases the Delhi Police has taken cognizance, though, there were no victims who were traceable in Delhi.

21. Let investigation in all the 30 suits continue and a further status report be filed by the next date of hearing.

Privacy Protection Feature

22. All the DNRs who are appearing before the Court would seek instructions and make submissions on the next date of hearing as to whether privacy protection feature masking the details of the Domain Name Registrant is being automatically offered or is the concerned Domain Name Registrant required to 'choose' the said feature by a positive act as per the policies which they are following.

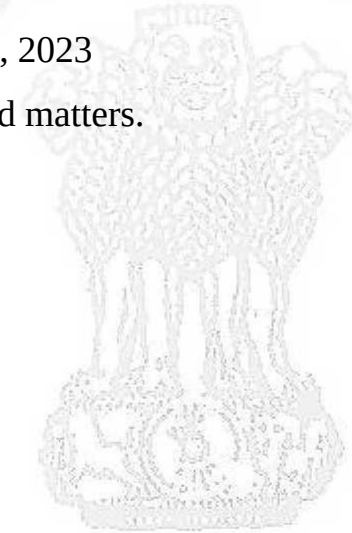
23. List on 27th March, 2023

24. These are part heard matters.

FEBRUARY 10, 2023

Mr/dj/sk/kt

**PRATHIBA M. SINGH
JUDGE**



सत्यमेव जयते