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

+ CS(COMM) 255/2020

I.A. 5590/2020 (under Order XXXIX Rule 1 and 2 CPC)

I.A. 5591/2020 (under Section 151 CPC –direction to Cyber Crime Cell, Economic Offences Wing, Delhi Police)

I.A. 5592/2020 (exemption from filing attested affidavits and court fees)

I.A. 5593/2020 (under Order XI Rule 1 (4) Commercial Courts Act)

I.A. 5594/2020 (exemption)

I.A. 5595/2020 (exemption from serving defendants in advance)

INDIAMART INTERMESH LIMITED

..... Plaintiff

Represented by: Mr.Saikrishna Rajagopal, Advocate
with Mr.Sidharth Chopra, Mr.Nitin
Sharma, Mr.Sumant Narang,
Mr.Ranjeet Singh Sindhu &
Mr.Sohrab Singh Mann, Advocates

versus

MR. AKASH VERMA & ORS.

..... Defendants

Represented by: None

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **14.07.2020**

The hearing has been conducted through Video Conferencing.

I.A. 5594/2020 (exemption)

1. Exemption is allowed subject to all just exceptions.
2. Application is disposed of.

I.A. 5595/2020 (exemption from serving defendants in advance)

1. Plaintiff is exempted from advance service of the defendants in the plaint and the application as per the Practice Directions required for hearing through video conferencing.
2. Application is disposed of.

I.A. 5593/2020 (under Order XI Rule 1 (4) Commercial Courts Act)

1. Additional documents, if any, be filed within thirty days.
2. Application is disposed of.

I.A. 5592/2020 (exemption from filing attested affidavits and court fees)

1. Plaintiff is exempted from filing the attested affidavits in support of the plaint and application(s) and Court fees at this stage considering the Covid-19 situation. The same be filed within one week of the resumption of the normal Court functioning.
2. Application is disposed of.

CS(COMM) 255/2020

I.A. 5590/2020 (under Order XXXIX Rule 1 and 2 CPC)

I.A. 5591/2020 (under Section 151 CPC –direction to Cyber Crime Cell, Economic Offences Wing, Delhi Police)

1. Plaint be registered as a suit.
2. Issue summons in the suit and notices in the applications to the defendants on the plaintiff taking steps through Email, SMS and Whatsapp, returnable before this Court on 29th July, 2020.
3. The present suit has been filed by the plaintiff, inter alia, seeking permanent injunction against the defendant No. 1 restraining him from violating the rights of the plaintiff in the mark/name/logo/device of the

plaintiff i.e. INDIAMART by infringing the rights of the plaintiff in the trademark and copyright as also passing off the activities of the defendant No. 1 as that of the plaintiff thereby tarnishing the image of the plaintiff.

4. The plaintiff has impleaded Akash Verma, the purported user who is using the mark INDIAMART and duping innocent people as defendant No. 1 and Google LLC and Vodafone Idea Limited as defendant Nos. 2 and 3 respectively.

5. Case of the plaintiff is that the plaintiff is running the business of integrated electronic business to business (B2B) portal, which provides an internet based marketplace/platform with free and paid listings of various industry/product/services especially for listing the profile/catalogue of small and middle enterprises sector wherein buyers and sellers can interact with each other for their requirements since the year 1996. In the year 1996 itself, plaintiff adopted the mark INDIAMART and has been using the same for its goods and services. The plaintiff has the registration of the mark INDIAMART in various classes besides registration of its domain name <indiamart.com>. The plaintiff runs its Business to Business platform through its web portal www.indiamart.com and also runs a mobile application whereby any company or individual can advertise its products and seek buyers for its goods and services. In the year 2019, the plaintiff went public and purportedly, the first Online B2B marketplace to go public. The plaintiff claims that his first Online platform with its B2B business has raised over 474 Crores at a price band of ₹ 970-973 Crores on 24th June, 2019 and the same was fully subscribed on the second day of its opening. The plaintiff's B2B model through Online platform is doing exceptionally well and the plaintiff has been got listed on the National Stock Exchange

and Bombay Stock Exchange as well.

6. As per the plaintiff, it came to know from the members of the public about the illegal and fraudulent use of the plaintiff's name/trademark/logo/trade dress by a third party whose name from one of the duped customers based on the account in which the money was deposited was revealed as Akash Verma. Grievance of the members of the public who have approached the plaintiff is that in the name of INDIAMART, defendant No.1 is using the website of plaintiff to dupe the innocent customers. The members of the public who have been duped by the defendant No. 1 have been asked to deposit security money ranging from ₹ 20000 to ₹ 30000. The defendant No.1 is also sending Emails to the various parties, soliciting allotment of dealerships. Some of the complaints received were from Mr.B.K.Thakur, Mr.Ashok Kanaujia and Mr.Ram Kishore. The defendant No. 1 is also misleading the members of the general public by providing his fake identity card portraying himself as an employee of the plaintiff and is also using the brochures, the letter pads with the same I.D. and Logos as that of the plaintiff. The only details of the defendant No. 1 available with the plaintiff is his Email IDs and the mobile numbers and thus, the plaintiff seeks directions to the defendant No.2 to disclose about the particulars of indiamart733@gmail.com, infoindiamart@gmail.com, supportindiamart@gmail.com & Indiamart08@gmail.com, exact addresses and details of the defendant No. 1 are not known to the plaintiff and the identity revealed appears to be a fictitious identity.

7. Considering the averments made in the plaint and the applications as also the documents filed therewith, it is evident that it is not only a case of cheating the plaintiff but also the innocent gullible customers, who got

trapped into the allurements of the defendant No. 1. It is thus necessary to pass an ex parte ad-interim injunction in favour of the plaintiff and against the defendant No.1.

8. Consequently, an ad-interim ex parte injunction in terms of prayers (a) and (b) of the application under Order XXXIX Rule 1 and 2 CPC is passed in favour of the plaintiff and against the defendant No. 1. Defendant No. 2 is directed to disclose the identity of defendant No. 1 besides the I.P. addresses and other details available with it in relation to the Email IDs i.e. indiamart733@gmail.com, infoindiamart@gmail.com, supportindiamart@gmail.com & Indiamart08@gmail.com. The necessary information in this regard will be given to the plaintiff within one week by the defendant No. 2. Defendant No. 3 is also directed to disclose the user details of the mobile numbers of the defendant No. 1 i.e. 7773833562, 9826027394 & 9617165861 to the plaintiff within one week.

9. Plaintiff has also filed an application i.e. IA 5591/2020 seeking directions to the Cyber Crime Cell, Economic Offences Wing, Delhi Police to obtain information as to the user/details of the above-noted mobile numbers as also the Email addresses. Learned counsel for the plaintiff states that in view of the extreme urgency, the plaintiff has proceeded with the filing of the present suit and within 24 hours, will be filing a complaint before the Cyber Crime Cell, Economic Offences Wing of Delhi Police. In case any complaint is filed by the plaintiff in regard to the grievances of the plaintiffs as noted above, the Cyber Crime Cell, Economic Offences Wing of Delhi Police will enquire into the matter and submit a report before this Court before the next date of hearing.

10. Compliance under Order XXXIX Rule 3 CPC be done within three

days.

11. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JULY 14, 2020

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