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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 420/2023**

ASIAN PAINTS LIMITED

..... Plaintiff

Through: Mr. Prithvi Singh and Mr. Shiv
Mehrotra, Advocates.

versus

AJEET KUMAR AND OTHERS

..... Defendants

Through: Ms. Mrinal Ojha, Mr. Debarshi Datta
and Ms. Tanya Chaudhry, Advocates
for D-8.

Ms. Shweta Sahu and Mr. Brijesh
Ujjainwal, Advocates for D-9, 11, 35
& 46.

Ms. Trishla Rao, Advocate for D-14.
Mr. Chandrashekhar A. Chakalabbi
and Ms. Aishwarya N. Hiremath,
Advocates for D-18.

Mr. Ankur Sood, Mr. Varun Agarwal,
Mr. Gaurav Singh, Advocates for D-
25.

Ms. Aashna Agarwal, Advocate for
D-30.

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate for
IFSO Spl. Cell, Delhi Police.

Muhammed Siddick, Advocate for
Federal Bank.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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28.03.2024

I.A. 7123/2024 (seeking exemption from advance service)

1. It is contended that the proposed Defendant Nos. 50 to 55, are indulging in fraudulent activities and therefore urgent *ex-parte* ad interim orders are necessary.



2. In the peculiar facts of the case and for the reasons disclosed in the application, the exemption is granted and the application is disposed of.

I.A. 7124/2024 (seeking exemption from filing originals, clear copies and documents with proper margins)

3. Exemption is granted, subject to all just exceptions.

4. The Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.

5. Accordingly, the application stands disposed of.

I.A. 7122/2024 (u/Order I Rule 10 r/w Order XXXIX Rules 1 & 2 r/w Section 151 of the Code of Civil Procedure, 1908)

6. The Plaintiff has filed the instant suit for permanent injunction restraining the Defendants from *inter alia* infringing their trademarks, passing off and rendition of accounts. On 2nd June, 2023, this Court granted an *ex-parte ad-interim* injunction against Defendants No. 1 to 30, with specific directions restraining Defendants No. 1 to 7 from using the Plaintiff's registered ASIAN PAINTS trademarks, as well as any other deceptively similar mark [***"Injunction Order"***].

7. Subsequently, upon the Plaintiff discovering further infringing websites and details of infringers, the Plaintiff periodically applied to the Court for impleadment of such Defendants. Accordingly, on 16th August, 2023, Defendants No. 31 to 42 were impleaded and the Injunction Order was extended and applied to them. Similarly, on 23rd November, 2023, further Defendants No. 43 to 49 were impleaded and directions were issued for extending the Injunction Order to apply to them as well.

8. Through the instant application, Plaintiff claims to have discovered



additional websites, phone numbers, e-mail IDs and bank accounts which are using the Plaintiff's trademarks, logos and ad campaigns to defraud customers by misrepresenting that they are originating from the Plaintiff and providing dealerships/ franchisees of the Plaintiff. Plaintiff was alerted regarding such infringing activities by potential customers/ dealers who have been approached by unknown entities offering them Asian Paints dealerships, some of whom had been duped and fallen prey to such offers¹. The infringing websites have been identified by the Plaintiff as existing under the domain names www.asianpaintsdistributor.com, www.asianpaintdealership.com as well as other domain names which have been delineated in Document-A annexed along with the instant application. Additionally, Plaintiff has also identified certain phone numbers² and bank account numbers³ which have been used to defraud potential customers.

9. In such circumstances, the instant application seeks to implead the owners of such domain names, phone numbers and bank account numbers, as well as the operators of the impugned Facebook page named "Asian Dealership", who are engaged in infringing and fraudulent activities, as 'John Doe' Defendants. Accordingly, they pray for extension of the Injunction Order to apply to such infringers, as identified in the amended memo of parties annexed with instant application. Further, Plaintiff also seeks impleadment of necessary entities for the purposes of implementing the Injunction Order's directions.

¹ Details of such potential customers have been mentioned in Paragraphs No. 6 and 7 of the application.

² Phone Numbers: +91 9007374296, +91 9748019383 and + 91 7501168013

³ Bank Account Numbers: 99980123227295 (Federal Bank), 99980122713949 (Federal Bank), 24370100001907 (Federal Bank), 12840100175145 (Federal Bank), 24370100002483 (Federal Bank), 9980122376952 (Federal Bank), 60478115342 (Bank of Maharashtra) and 199501000006789 (Indian Overseas Bank)



10. The Court has perused the documents annexed with the application and accordingly, the impleadment is allowed. Further, the Court is of the opinion that the Plaintiff has made out a *prima facie* case for grant of *ad interim ex parte* injunction in respect of the proposed Defendants, as in the absence thereof, irreparable harm would be caused to the Plaintiff; balance of convenience also lies in favour of the Plaintiff and against the Defendants.

11. Accordingly, the following directions are issued:

11.1. Proposed Defendants are impleaded as Defendants No. 50 to 55, and amended memo of parties annexed with the instant application is taken on record.

11.2. The Injunction Order dated 2nd June, 2023, as extended *vide* orders dated 16th August, 2023 and 23rd November, 2023, is extended to the domain names/ websites impleaded as Defendants No. 50 and 51.

11.3. The concerned Domain Name Registrars, i.e., Defendants No. 8, 9, 10, 35, 37, 40, 42, 46 and proposed Defendants No. 52 and 53, shall lock/ suspend the respective domain names www.asianpaintsdistributor.com, www.asianpaintdealership.com as well as other domain names mentioned in Document-A attached with the instant application, which are registered with them.

11.4. Defendants No. 23 & 24 are directed to issue directions/ notifications to concerned Internet Service Providers (ISPs) and Telecom Service Providers (TSPs) to lock/suspend access to the websites www.asianpaintsdistributor.com, www.asianpaintsindia.in, www.asianpaintdealership.com and the list of domain names mentioned in Document A attached with the instant application.



11.5. Defendant No. 12 (Federal Bank) is directed to disclose the KYC details in a sealed cover and freeze the accounts with the Nos. 99980123227295, 99980122713949.

11.6. Defendant No. 31 (Bank of Maharashtra) is directed to disclose the KYC details in a sealed cover and freeze the account with the No. 60478115342.

11.7. Proposed Defendant No. 55 (Indian Overseas Bank) is directed to disclose the KYC details in a sealed cover and freeze the account with the No. 199501000006789.

11.8. Defendant No. 27 (Bharti Airtel Ltd.) is directed to disclose in a sealed cover the KYC details of the registrant under whose name the phone numbers +91 9007374296, +91 9748019383 and + 91 7501168013, and to suspend/ block the same.

11.9. Defendant No. 54 (Meta Platforms Inc.) is directed to block access to the Impugned Facebook Page – ‘Asian Dealership’.

12. Issue notice to the newly impleaded Defendants No. 50 to 55. Reply, if any, be filed within four weeks from date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.

13. Compliance of Order XXXIX Rule 3 of Code of Civil Procedure, 1908, be done by email within ten days from today.

14. Re-notify on 7th August, 2024.

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15. Upon payment of process fee, issue summons to the newly impleaded Defendants No. 50 to 55, as well as other impleaded Defendants to whom summons have not yet been issued, by all feasible modes. Summons shall



state that written statement(s) shall be filed within a period of 30 days from date of service. Along with the written statement(s), the said Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.

16. Liberty is given to the Plaintiff to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiff, affidavit(s) of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

17. List before the Joint Registrar for completion of pleadings and marking of exhibits of the newly impleaded Defendants on 8th May, 2024.

18. List before Court on the date already fixed, i.e. on 7th August, 2024.

SANJEEV NARULA, J

MARCH 28, 2024

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