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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 399/2021 & I.A.10855/2021**

HINDUSTAN UNILEVER LIMITED Plaintiff

Through: Mr. Siddharth Chopra, Mr. Nitin Sharma, Mr. Vivek Ayyagari and Mr. Angad S. Makkar, Advocates.
(M:9897896284)

versus

NITIN KUMAR SINGH & ORS. Defendants

Through: Mr. Ankur Prakash, Mohd Saquib Siddiqui, Mr. Dhananjay Singh & Ms. Simran Gill, Advocate for D-1.
Mr. Ramnish Khanna, Advocate for D-7.
Mr. Bhagvan Swamp Shukla, CGSC for D-18 & 19.
Mr. Hetu Arora Sethi, ASC, GNCTD, Cyber Crime Unit, Special Cell, Delhi Police. (M:9810368590)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **10.05.2022**

1. This hearing has been done through hybrid mode.
2. In the present suit, the Defendant Nos.1 to 5 had registered various domain names, inviting members of the general public to apply for the distributorship of the Plaintiff – Hindustan Unilever Limited (*hereinafter*, “HUL”). Some of the domain names that were registered were as follows:

- i. www.hindustanunileverfranchise.com
- ii. <https://franchiseprovider.xyz/>
- iii. <https://www.hindustanunileverltd.com/>
- iv. <https://www.hul distributors.in/>



- v. <https://www.hul distributors.com/>
- vi. <https://www.hul distributors.co.in/>
- vii. <https://hul franchises.in/>
- viii. <http://hul portal.com/>
- ix. <https://www.hul franchise.org>
- x. <https://www.franchiseconnectindia.com/apparel-franchise/hul-franchise/>

3. A perusal of the status report filed in terms of the order dated 27th August, 2021 by the Cyber Crime Unit, Special Cell, Dwarka, Delhi (*hereinafter, "Cyber Crime Unit"*) reveals that there were various phone numbers being used by several persons to collect monies under the garb of giving distributorships of HUL. The details of the said persons who were running the entire operation is as under:

"i) 7064269076 - Rajender Kumar Behera S/o Upendra Behera R/o Biswanathpur, Ranital, Rural District Bhadrak Odisha 756111

ii) 7365996795 - Hassa Malla S/o Mofi Malla R/o Bebia Hasnabad Bhabanipur North 24 Parganas west Bengal 743456

iii) 7063080338 - Bapi Mandal C/o Bablu Mandal R/o Bebia Hasnabad Bhabanipur North 24 Parganas west Bengal 743456

iv) 8346943546 - Ms. Subha Bera W/o Amal Bera R/o Niral Garhbeta Agarkhana Paschim Medinipur West Bengal 721127

v) 7064271241 - Banamali Das S/o Sukadev Das R/o



*Naikanidihi, Gopalpur District Bhadrak Odisha
756111*

*vi) 9831176582 - Ms Shahbaz Begum D/o Faiyaz
Ahmad R/o24/H/3 Kabitirtha Sarani Khiddirpore
Kolkata West Bengal*

*vii) 8695314575 - Ms. Aarti Pattranayak D/o
Nityagopal Das R/o Chota Chaulkhola Ghot Purba
Medinipur West Bengal*

*viii) 9091276588 Ms. Krishna Bhattacharya W/o
Madhav Bhattacharya R/o 2/1 A Sabarnapara Road
Thakur pukur Kolkata West Bengal*

*ix) 7829001144 - Ravi Kumar S/o Sarman Lal R/o Flat
No. 2202 E Block Supertech Apartment ABS Crossing,
ABS College, Ghaziabad Uttar Pradesh*

*x) 840012810 - Vishal Kumar S/o Bhisam Singh R/o H.
No. E-2202 Supertech Livingston, Crossing Republik
Ghaziabad Uttar Pradesh*

**xi) 7773833562 - Fairdeal SS Proprietor Sunny R/o
108-109 Indraprastha Tower AD Road Indore”**

4. Insofar as the Defendant No.1-Mr. Nitin Kumar Singh is concerned, it is submitted that he has himself registered criminal complaints on the ground that there has been an identity theft of various details belonging to him and his identity has been misused by unknown persons. From the reports which have been received, it appears that one Mr. Sunny Khatri, R/o 108-109, Indraprastha Tower, AD Road, Indore, operating a firm called



Fairdeal SS may be running the operations by either stealing the identities of third-parties including phone numbers or registering various domain names or bank accounts.

5. It is noticed that a similar situation has arisen in **CS(COMM) 255/2020** titled **Indiamart Intermesh Limited v. Mr. Akash Verma & Ors.** relating to the mark 'INDIAMART', wherein a status report was filed by Mr. Raman Lamba, Assistant Commissioner of Police, Cyber Crime Unit, revealing that the same person, Mr. Sunny Khatri, S/o Mr. Gopal Khatri, Resident of C-848, Deen Dayal Upadhyay Nagar, Indore, M.P. was involved in the said case. There are certain other persons based in Indore whose names have also been revealed in the said status report. The relevant portion of the said status report in **CS (COMM) 255/2020** reads as under:

“The complainant had provided 3 phone numbers in the complaint viz 7773833562, 9826027394 and 9617165861 from which calls were made to potential victims. The subscriber details of all these 3 numbers was provided by Vodafone as M/S Fairdeals, 108-109, 1st Floor, Indraprasth Tower, MG Road, Indore, MP. During the investigation of the case it has been revealed that the proprietor of ws Fairdealss is one Sunny Khatri s/o Gopal Khatri R/o C-848, Deen Dayal Upadhyay Nagar, Indore, MP.”

6. In another suit being **CS (COMM) 424/2020** titled **Shoppers Stop Limited v. M/s. Shopperstop & Ors.** involving the mark 'SHOPPERS STOP', some illegal transactions were taking place in Indore itself. In the said case, Mr. Sampat Upadhyay, DCP, Zone-II, Indore, Madhya Pradesh had appeared before this Court on 1st April, 2022 along with the Bank Manager of the concerned bank.



7. It is noticed by this Court that there is a clear pattern involving certain individuals based out of Indore who seem to be registering domain names consisting of well-known company/brand names, collecting money from the members of the general public and duping them.

8. Under such circumstances, considering the several criminal complaints which have been filed, as also, the suits which are also pending before this Court, it is deemed appropriate to direct Mr. Raman Lamba, Assistant Commissioner of Police, Cyber Crime Unit, Special Cell, Dwarka to work along with Mr. Sampat Upadhyay, DCP, Zone-II, Indore who had appeared in *CS (COMM) 424/2020* titled '*Shoppers Stop Limited v. M/s Shopperstop & Ors.*' to identify all the persons who have been involved in collecting monies illegally from the members of the general public by registering domain names. The Cyber Crime Unit and DCP, Zone-II, Indore shall also conduct a thorough investigation against Mr. Sunny Khattri, as also, any other individuals based out of Indore, Madhya Pradesh who may be involved in the matter. Mr. Upadhyay shall render complete support and cooperation to Mr. Lamba in conducting the investigation.

9. Thereafter, a joint status report shall be placed before this Court identifying and tracing all the individuals concerned, in terms of the status report dated 2nd February, 2020 filed in *CS(COMM) 255/2020*, as also, the status report dated 3rd November, 2021 filed in the present suit. For the sake of read reference, the copies of both the aforementioned status reports maybe handed over to Ms. Hetu Arora Sethi, Id. ASC, GNCTD, for forwarding the same to Mr. Raman Lamba. The joint status report shall contain the following:



- i. Details of all the individuals involved in this operation, as well as, any steps which may be taken by the police, including arrests, if any, which are made in this regard;
- ii. Details of all the bank accounts where the said individuals had maintained their accounts to collect the monies and the bank statements from the respective banks;
- iii. Details of any assets of the persons being investigated shall also contained in the status reports.

10. If the said two officials request for cooperation of the police of any other State, the concerned police officials shall render complete cooperation to them.

11. Mr. Shukla, Id. CGSC appearing for DoT and MEITY would also supply a copy of the present order to the Secretary, Ministry of Home Affairs to consider as to whether there can be a coordination cell for these kinds of cases, where the public is being duped by persons registering domain names and illegally collecting monies under the garb of issuing distributorship and franchisee on behalf of well-established companies. Mr. Shukla to seek instructions in this regard, by the next date.

12. List on 25th August, 2022. The present order be forwarded to Mr. Sandeep Mohopatra, Advocate. (M:9811472444) who had appeared for the Indore Police in the Shoppers Stop case referenced above.

13. This shall be treated as a part-heard matter.

PRATHIBA M. SINGH, J.

MAY 10, 2022

dj/ad