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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 616/2021**

**WILEY INDIA PRIVATE LTD** ..... Plaintiff

Through: Mr. Darpan Wadhwa, Sr. Advocate  
with Mr. Alipak Banerjee, Mr. Sahil  
Kanuga, Ms. Shweta Sahu, Mr.  
Brijesh Ujjainwal & Mr. Amer Vaid,  
Advocates (M-9987115749)

versus

**VIKAS GUPTA AND ORTHERS** ..... Defendant

Through: Mr. Rikky Gupta & Mrs. Ananya  
Singh, Advocates for D- 1 to 3 (M-  
9855011942).  
Mr. Arujun Krishnan, Advocate.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **19.07.2022**

**I.A. 10996/2022(for exemption)**

1. Allowed, subject to all just exceptions. *I.A. 10996/2022* is disposed of.

**I.A. 9520/2022 & I.A. 9517/2022 (for delay)**

2. These are applications filed on behalf of the Plaintiff seeking condonation of delay in filing the replications to the written statement of Defendant Nos. 1-3 & 4-9. Ld. counsel for the Defendants has no objection to the same.

3. For the reasons stated in the applications, the delay in filing the replications is condoned. Accordingly, *I.A. 9520/2022 & I.A. 9517/2022* are disposed of.



**I.A. 1904/2022(for delay)**

4. This is an application filed by the Plaintiff seeking condonation of delay in filing the rejoinder.

5. For the reasons stated in the application, the delay in filing the rejoinder is condoned. **I.A. 1904/2022** is disposed of.

**I.A. 1903/2022(for additional documents)**

6. This is an application filed by the Plaintiff seeking to place on record the following additional documents:

- I. Letter dated December 29,2021 sent by Defendant No. 6 to the Plaintiff;*
- ii. Declaration form signed by Defendant No. 1 agreeing to be appointed as Director of Defendant No.6;*
- iii. Form DIR - 12 filed by Defendant No.6 recording the appointment of Defendant No.1 as Director;*
- iv. Board resolution passed by Defendant No. 6 for the appointment of Defendant No.1 as Director.”*

7. A perusal of the above documents shows that these are documents filed by the Defendant No.6 with various governmental authorities for regulatory compliances, and hence are not being disputed. The only objection of the Defendant, is as to why these documents have been filed at a belated stage.

8. Since the documents are in the public domain and belong to the Defendant, the same are taken on record, subject to objections of the Defendants at the time of arguments. Further, the Defendants are permitted two weeks' time to file any documents to rebut the documents taken on record today.

9. **I.A. 1903/2022** is disposed of.



**I.A. 1827/2022 ( for exemption)**

10. The original notarized affidavits are stated to have been filed. The application is accordingly infructuous and hence *I.A. 1827/2022* is disposed of.

11. Registry to put up a report confirming that the said affidavits are taken on record.

**I.A. 15811/2021(for serving advance copy to Defendants)**

12. The Defendants have already entered appearance in the matter.

13. Therefore, this application is infructuous and hence *I.A. 15811/2021* is disposed of.

**I.A. 15807/2021(u/O XXVI R 2 CPC)**

14. This is an application seeking appointment of Local Commissioner, which is no longer pressed by ld. Counsel for the Plaintiff at this stage.

15. Accordingly, *I.A.15807/2021* is dismissed as not pressed.

**CRL.M.A. 13660/2022, I.A. 1826/2022, I.A. 15806/2021 & I.A. 685/2022 & CS(COMM) 616/2021**

16. This is a suit filed by Wiley India Pvt. Ltd.-Plaintiff seeking permanent injunction, restraining the Defendants from use of trade secrets, confidential information, infringement of copyright, unfair competition and other ancillary reliefs, in respect of the Plaintiff's confidential information stated to be including marketing strategies, financial statements, customer lists, etc. The case of the Plaintiff is that Defendant No.1 was the Managing Director of the Plaintiff from 2006 to October, 2021. Defendant No.2 - Ms. Debarati Sengupta was the General Manager of the Plaintiff from 2012 till November, 2021 and Defendant No.3 - Mr. Kundan Bharti, the Assistant Manager of the Plaintiff from 2020 and November, 2021. Both Defendant



Nos.2 and 3 - Ms. Sengupta and Mr. Bharti, left the employment of the Plaintiff on the same day. Defendant No.4 - Mr. Raghav Gupta is the son of Defendant No.1 - Mr. Vikas Gupta, who is described as the COO and co-founder of a company by the name of Futureense Technologies Pvt. Ltd./Defendant No.5 (*hereinafter* “Futureense”). At the time of the filing of the present of the suit, Mr. Raghav Gupta was a full-time undergraduate student in the U.S.A. Futureense was incorporated on 31st May, 2020. Defendant No.6 - Miles Education Pvt. Ltd. (*hereinafter* “Miles”) was a business partner of the Plaintiff who was sourcing students from the Plaintiff and was also rendering certain marketing services to the Plaintiff on a principal-to-principal basis. According to the Plaintiff, Miles along with Mr. Varun Jain/Defendant No.7, Mr. Harsh Jain/Defendant No.8 and Ms. Meenakshi Jain/Defendant No.9, who are stated to be the Managing Directors of Miles and Futureense, and Mr. Vikas Gupta’s son i.e., Mr. Raghav Gupta, were being used as a proxy by the father - Mr. Vikas Gupta, to violate the Plaintiff’s rights.

17. The allegations of the Plaintiff against the Defendants are that Defendant No.1 - Mr. Vikas Gupta was the Managing Director of the Plaintiff-company and while he was working there, he incorporated Futureense in the name of his son and started transmitting various reports, projects, templates, co-structures, curriculum, etc. of the Plaintiff, to his son and to the other Defendants, with an intention to misuse the same after leaving the employment of the Plaintiff. He was a person holding the highest position in the Plaintiff’s organization in India. Moreover, an audit report of the Plaintiff reveals that various e-mails were sent on 31st July, 2019, 6th September, 2019, 4th September, 2020, etc. to the other Defendants by Mr.



Vikas Gupta. Accordingly, Mr. Wadhwa, Id. Senior Counsel for the Plaintiff, has submitted that while continuing to be in the employment of the Plaintiff, the various individuals arrayed as Defendants colluded with Mr. Vikas Gupta and started promoting the business of Futureense, in which Miles was also a partner.

18. On behalf of the Defendants, Mr. Arjun Krishnan, Id. Counsel, submits that Futureense was also a business partner of the Plaintiff along with Miles and the transmission of these documents was in the usual course of business.

19. The Court has perused some of the documents filed by the Plaintiff in a sealed cover, which are relied upon in the Plaintiff's submissions. Considering the nature of the matter and the fact that there are several allegations against the Defendant No.1, his son and other individuals, this matter requires further hearing. In the meantime, the Defendants shall place on record the audited/unaudited balance sheets of M/s Futureense Technologies Pvt. Ltd. and M/s Miles Education Pvt. Ltd., along with a Chartered Accountant's certificate, giving the details of the annual turnover of both these entities. On the next date, the Defendants shall also produce a list of customers and their clients, in a sealed cover before the Court.

20. List for hearing on 13th October, 2022, on which date, Mr. Vikas Gupta, shall join the proceedings either virtually or physically.

21. The Registry is directed to reseal the documents produced in sealed cover and place them before the Court on the next date of hearing.

**PRATHIBA M. SINGH, J.**

**JULY 19, 2022**

*Rahul/DJ/MS*