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

+ CS(COMM) 328/2024

E-EIGHTEEN.COM LTD Plaintiff

Through: Ms. Abhilasha Nautiyal, Advocate.

versus

KRISHNAA @ JAGTAR SINGH & ORS. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **25.04.2024**

I.A. 9054/2024 (seeking exemption from providing physical address of Defendant Nos. 1-21 & 27 and from advance service)

1. The Plaintiff alleges that Defendants No. 1 to 21 and 27 are perpetrating fraud on the general public by creating a false association with the Plaintiff, which may result in grave financial losses to the public. Considering the nature of controversy involved as well as the peculiar facts and circumstances of the case, exemption from effecting advance service on the said Defendants is allowed.

2. Application is disposed of.

I.A. 9053/2024 (under Section 80 read with Section 151 of CPC)

3. Upon filing of process fee, issue notice to Defendant No. 25, by all

permissible modes, returnable on the next date of hearing.

4. Reply, if any, be filed within four weeks from the date of service.

Rejoinder thereto, if any, be filed within two weeks thereafter.

5. Re-notify on 26th September 2024.

I.A. 9050/2024 (seeking leave to file additional documents)

6. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015.

7. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the said Act.

8. Accordingly, the application stands disposed of.

I.A. 9051/2024 (seeking exemption from filing clearer copies/documents with correct margins)

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

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

11. Accordingly, the application stands disposed of.

I.A. 9052/2024 (under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of CPC)

12. As the present suit contemplates urgent interim relief, in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,¹

¹ 2023 SCC OnLine SC 1382.

exemption from attempting pre-institution mediation is granted.

13. Disposed of.

CS(COMM) 328/2024

14. Let the plaint be registered as a suit.

15. Upon filing of process fee, issue summons to the Defendants by all permissible modes, including over WhatsApp and SMS. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of service. Along with the written statement(s), the 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 marking of exhibits on 25th July, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

18. List before Court for framing of issues thereafter.

I.A. 9049/2024 (application under Order 39 Rule 1 & 2 r/w Section 151 of CPC)


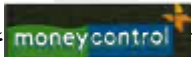
19. Ms. Abhilasha Nautiyal, counsel for Plaintiff, presents the following

facts and submissions for grant of *ex-parte* ad-interim injunction against Defendants No. 1 to 21 and 27:

19.1. The Plaintiff, a part of the Network18 group of companies, is a financial news and information services company that uses the trademark “MONEYCONTROL” for its services. These services are also offered to the public through the Plaintiff’s website “www.moneycontrol.com”, mobile applications and social media channels. Plaintiff’s website has garnered consumer traction of about 59.01 million average monthly visitors between April to December 2023.

19.2. The Plaintiff has secured registrations for the trademark



“Moneycontrol” and its formative versions, including “”, “Moneycontrol+”, “Moneycontrol Plus”, “” and “moneycontrol.com” in classes 09, 16, 35, 36, 38, 41, 42, and 45 *inter alia* in relation to financial affairs, digital platforms and applications *qua* finance, etc. The details of registrations are mentioned in paragraph No. 7 of the plaint.

19.3 The present suit concerns the use of Plaintiff’s moneycontrol marks by Defendants No. 1 to 21 and 27 (impleaded as John Doe), who are falsely claiming themselves to be affiliated to the Plaintiff and offering financial investment tips.

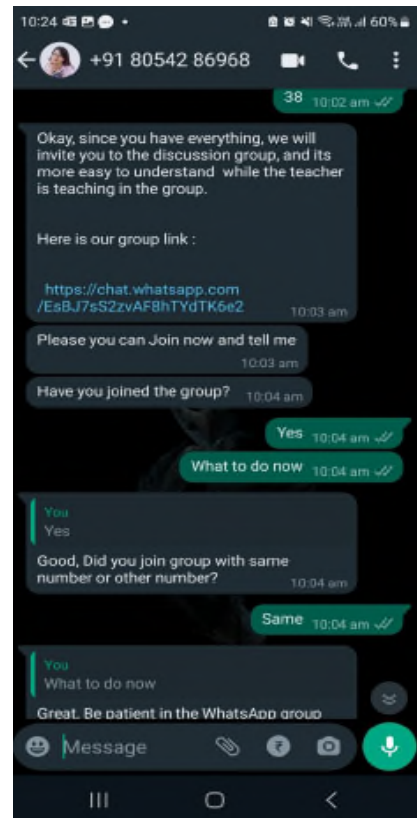
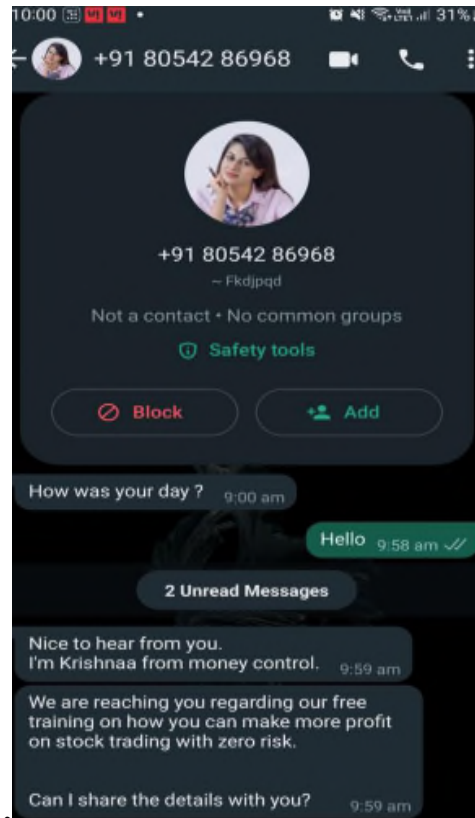
19.4. In March 2024, Plaintiff started to receive various complaints on its

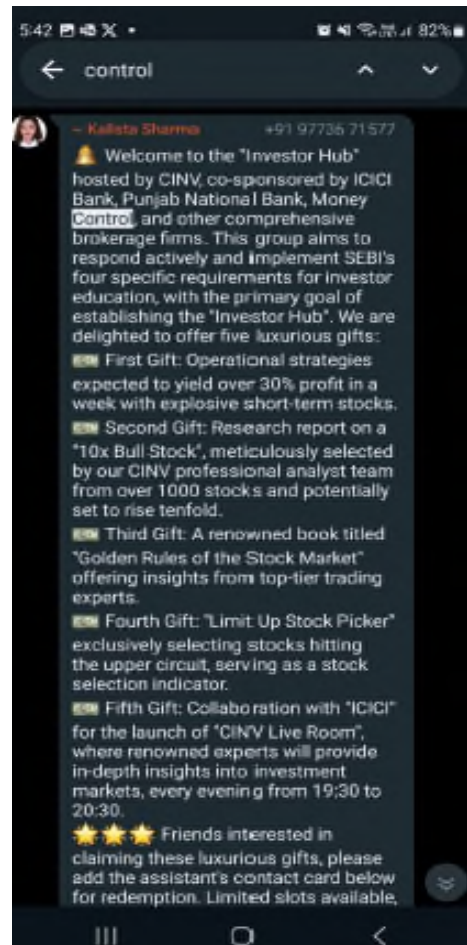
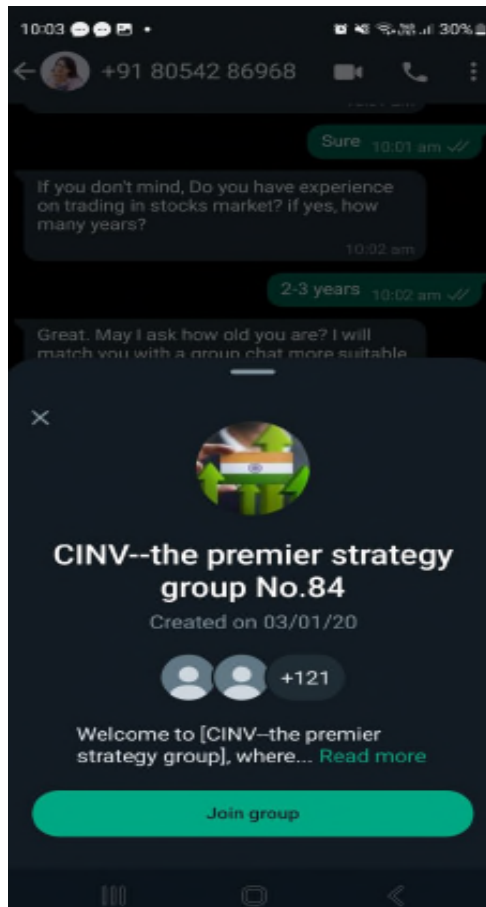
grievance redressal email ID and online portals, relating to unsolicited messages being sent to members of the public by Defendants No. 1 to 21, who represent themselves to be Plaintiff's employees and ask people to join the WhatsApp group titled "CINV- The Premier Strategy Group"/ its group name variations, for stock market trading tips, insights, insider tips, stock diagnostic analysis etc. As per one of the consumer complaints, a fabricated employee ID alleging affiliation with the Plaintiff was also shared by one individual.

19.5. Defendants No. 1 to 21 are also alleging that their 'CINV' initiative is co-sponsored by the Plaintiff, ICICI Bank, Punjab National Bank, and other brokerage firms. On the above WhatsApp group, it is claimed that Defendants No. 1 to 21 will offer luxurious gifts including providing expected yields of "*over 30% profits in a week with explosive short-term stock*". For this, a professor named Mr. Dev Shah will offer training to achieve 500% return. Further, they claim to launch a mutual fund titled 'CINV INDIA No.1' on 23rd August 2024 with the aim to raise '30 Billion'.

19.6. Defendants 1 to 18 approach unsuspecting members of the public to join the said WhatsApp groups, while Defendants No. 19 and 20 are the group administrators of the WhatsApp group "CINV- the Premier Strategy Group No. 84". Defendant No. 21, Mr. Kalista Sharma *alias* Shailesh Joshi, sent a fraudulent message on the WhatsApp group(s) falsely claiming that CINV is co-sponsored by the Plaintiff.

19.7. Screenshots of the messages circulated on WhatsApp by Defendants No. 1 to 21, as received through consumer complaints, are as follows:


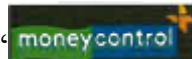




20. The Court has considered the afore-noted contentions. It appears that Defendants No. 1 to 21 are unauthorisedly using the Plaintiff’s registered mark “moneycontrol” and other formative trademarks, on the pretext of providing financial investment services, in an attempt to mislead and confuse the public regarding the source of these services. Such activities of Defendants No. 1 to 21 have the potential of misleading unwary customers, creating confusion and defrauding the public by making false claims of affiliation with the Plaintiff. The documents on record *prima facie* demonstrate that Defendants No. 1 to 21 are infringing the Plaintiff’s registered “moneycontrol” trademarks.

21. In view of the above, the Court is satisfied that the Plaintiff has made out a *prima facie* case in its favour and in case an *ex-parte* ad-interim injunction is not granted, the Plaintiff will suffer irreparable loss. Balance of convenience also lies in favour of Plaintiff and against the Defendants No. 1 to 21.

22. Accordingly, till the next date of hearing, Defendants No. 1 to 21, or any other person acting on their behalf, are restrained from using the

Plaintiffs' trademarks "MONEYCONTROL", , "MONEYCONTROL+", "MONEYCONTROL PLUS" , "moneycontrol.com", other formative marks or any other deceptively similar mark, that would amount to infringement or passing off of Plaintiff's registered trademarks.

23. Defendant No. 22, WhatsApp LLC, is directed to block the WhatsApp accounts corresponding to the phone numbers 8054286968, 7295803863, 8015874606, 8580241432, 6261072873, 8260822374, 9929837956, 9508564675, 8550902537, 9958915314, 9265188302, 8861073651, 9832653151, 7902458409, 9554112367, 9131454554, 7489490052, 9395748231, 9773671577 and 8121694901. They shall file the Basic Subscriber Information and payment details relating to the afore-noted WhatsApp accounts as well as 7600368291, 9581165471, as is available with them, in a sealed cover. A copy of the said documents shall be provided to counsel for Plaintiff, which shall be strictly used by them for the purpose

of investigation and identification of the perpetrators.

24. Defendants No. 23 is directed to temporarily block the mobile numbers 8054286968, 8550902537, 7902458409 and 9554112367. They shall, file in a sealed cover, the details of respective persons in whose name the above phone numbers as well as '9581165471' are registered, including KYC documents. A copy of the said documents shall also be provided to counsel for Plaintiff, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

25. Defendants No. 24 is directed to temporarily block the mobile numbers 7295803863, 8015874606, 9929837956, 9958915314, 8861073651, 9773671577 and 8121694901. They shall, file in a sealed cover, the details of respective persons in whose name the above phone numbers as well as '7600368291' are registered, including KYC documents. A copy of the said documents shall also be provided to counsel for Plaintiff, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

26. Defendant No. 25 is directed to temporarily block the mobile number 8580241432. They shall, file in a sealed cover, the details of respective person in whose name the above phone number is registered, including KYC documents. A copy of the said documents shall also be provided to counsel for Plaintiff, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

27. Defendant No. 26 is directed to temporarily block the mobile numbers 6261072873, 8260822374, 9508564675, 9265188302, 9832653151,

9131454554, 7489490052 and 9395748231. They shall, file in a sealed cover, the details of respective persons in whose name the above phone numbers are registered, including KYC documents. A copy of the said documents shall also be provided to counsel for Plaintiff, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

28. It is clarified that the directions contained in Paragraph Nos. 23 to 27 shall be implemented after 10 days from the date of this order, during which the Plaintiff shall serve summons on Defenadants No. 1 to 21 by all permissible modes, including over WhatsApp and SMS, returnable on the next date of hearing.

29. Upon filing of process fee, issue notice to the Defendants, by all permissible modes, returnable on the next date of hearing. Reply, if any, to be filed within a period of four weeks from the date of service. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

30. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be done with one week from today.

31. List on 26th September, 2024.

SANJEEV NARULA, J

APRIL 25, 2024

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