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

+ CS(OS) 407/2024

DR ARVIND LAL

..... Plaintiff

Through: Ms. Mumtaz Bhalla and Mr. Tabish
Samdani, Advocates.

versus

BADA BUSINESS PVT LTD & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.05.2024

I.A. 11162/2024 (exemption from filing transcript of videos).

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

I.A. 11161/2024 (extension of time for payment of court-fee)

By way of the present application filed under section 149 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks extension of time for payment of deficient court-fee.

2. Extension granted, subject to just exceptions.
3. Let deficient court-fee be paid within 04 weeks.
4. Application stands disposed-of.

CS(OS) 407/2024

5. By way of the present suit, the plaintiff, who is the founder and Executive Chairman of Dr. Lal PathLabs Ltd. ('LalPath Labs'), seeks



a decree of declaration that the plaintiff has no privity of contract with any of the defendants; alongwith a decree of permanent injunction restraining the defendants from in any manner using his name, likeness, photograph etc. as a 'Bada Business Professor'; or for making or publishing any promotional material/advertisement /brochure/video etc. showing a connection between the plaintiff and the defendants. For completeness, it may be recorded, that the plaint has been filed by the plaintiff acting through his special power of attorney holder.

6. The plaintiff also claims a decree of mandatory injunction directing the defendants to take-down certain promotional material and publications, copies of which have been filed alongwith the plaint. The plaintiff further seeks an unconditional apology from the defendants for the alleged unauthorized, illegal and malicious use of his name and likeness in connection with the defendants' business, as detailed in the plaint.
7. Defendant No.1 is a company, of which defendants Nos.2 to 4 are stated to be Directors/Key Managerial Personnel. Defendant No.5 is a University situate in Mathura, Uttar Pradesh and defendant No.6 is stated to be its Chief Executive Officer. Defendants Nos.7 to 9 are stated to be channel partners/business associates of defendant No.1, who are engaged in the business of promoting and carrying-on the business of defendant No.1.
8. The essence of the plaintiff's grievance is that the defendants are using his name, likeness and personage to promote their business under the name and style of '*Bada Business - An Initiative by Dr.*



Vivek Bindra’, representing to the public-at-large that the plaintiff is one of the ‘*Bada Business Professors*’ who will take lessons and deliver lectures for the 01-year Diploma course in entrepreneurship to be conducted by defendant No. 1 under the aegis of defendant No. 6/GLA University, Mathura. The plaintiff contends that his name has been canvassed as one of the ‘*Professors of Billionaire Blueprint*’, and his case study has been cited as an example by the defendants; who have also held-out that the plaintiff would be teaching the Bada Business course at the GLA University.

9. Counsel points-out, that in the advertisements so issued, defendant No.1 is selling the business course at a price of Rs.49,000/- plus GST.
10. Counsel points-out that the plaintiff’s name has also been included in purported Bada Business Professor List for 2023, a copy of which has been filed with the plaint.
11. Attention in this behalf is drawn to a series of advertisements and other promotional material, which are stated to have been put-out by the defendants, allegedly misusing the plaintiff’s name and likeness.
12. Counsel further submits that the plaintiff has, in fact, received a lawyer’s notice from certain persons, who claim to have been defrauded by the defendants, using the plaintiff’s name.
13. Copies of documents have been filed on record in support of the averments made in the plaint.
14. Counsel submits that, on point of fact, the plaintiff has only participated in *one solitary webinar* hosted by defendant No.1, on an invitation extended to the plaintiff by e-mail dated 09.01.2021, at which webinar the plaintiff addressed some students of GLA



University, Mathura; and that thereafter the plaintiff has not been engaged in *any manner whatsoever* with the business of either defendant No.1 or defendant No.6 or any of the other defendants.

15. Counsel submits, that upon the advertisements and promotional material having come to the plaintiff's notice, the plaintiff caused to be issued to the defendants a cease and desist notice dated 08.02.2024, calling upon them to stop their illegal actions and to stop using the plaintiff's name and likeness and to stop making dishonest misrepresentations to the public-at-large; but to no avail.
16. The plaintiff is also stated to have lodged a formal police complaint dated 27.03.2024, with the Deputy Commissioner of Police, Economic Offences Wing, New Delhi, seeking investigation against the defendants.
17. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
18. Issue summons in the suit.
19. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
20. Let the summons indicate that the defendants are required to file written statement(s) to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication(s) to the written statement(s) within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.



21. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 29th August 2024.
22. List before court thereafter.

I.A. 11160/2024

23. By way of the present application filed under Order XXXIX Rules 1 and 2 read with section 151 CPC, the plaintiff seeks *ex-parte* orders of restraint against the defendants in terms of the prayers contained in the plaint and in the application.
24. Issue notice.
25. Upon the plaintiff taking steps within 10 days, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
26. Let the notice indicate that reply to the application be filed within 30 days of service; rejoinder thereto, if any, be filed 30 days thereafter; with copies to the opposing counsel.
27. Upon being queried, learned counsel appearing for the plaintiff confirms that the plaintiff has *no business or other relationship whatsoever* with any of the defendants; that there is no memorandum of understanding or any agreement or contract between the plaintiff and any of the defendants, permitting the defendants to claim any association with the plaintiff, muchless to claim that the plaintiff is a Bada Business Professor or that he is teaching in any capacity whatsoever at the University or otherwise.
28. In view of the above, upon a *prima-facie* view of the matter, the defendants are directed to *forthwith cease and desist* from using the



name or photograph or likeness of the plaintiff in connection with the defendants' business in any manner whatsoever. The defendants are also directed to *forthwith delete and take-down* all advertisements /promotional material/statements/brochures etc., whether in writing or in pictorial form, from their website and from all their social media handles that claim or suggest any connection between the plaintiff and any of the defendants in any manner whatsoever. Let the needful be done within 01 week.

29. The plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC, within 03 days.
30. List this application before court on 2nd August 2024.

ANUP JAIRAM BHAMBHANI, J

MAY 20, 2024/ak