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

\+ CS(COMM) 193/2019

COLGATE PALMOLIVE COMPANY & ANR. ..... Plaintiffs

Through: Mr.Pravin Anand, Mr.Saif Khan, Mr.Achuthan Sreekumar & Mr.Rohit Bansal, Advs.

versus

NIXI & ANR. ..... Defendants

Through: Ms.Akshita Jain, Adv. for D-1. Mr.Kushagra Goel, Mr.Abhimanyu & Mr.Nikhil, Advs. for D-7. Ms.Swati Agarwal, Ms.Binsy Susan & Ms.Vani Kaushik, Advs. for D-3 & D-4.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **15.07.2022**

I.A. 15451/2021

1. This is an application filed by the defendant nos. 3 and 4 seeking their deletion from the array of parties.

2. Issue notice.

3. Mr. Pravin Anand, the learned counsel, accepts notice on behalf of the plaintiff. He prays for and is granted four weeks to file a reply. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

4. List on 12th September, 2022.

I.A. 6069/2022

5. This is an application filed by the defendant no. 7-Mr.Rohit Nanda

seeking his deletion from the array of parties. In support of his prayer, the defendant no. 7 has placed a copy of the DD No. 56A dated 01.11.2021 of the Police Station Hauz Khas, New Delhi, which reads as under:-

> *"**DD No 56A, dated 01-11-2021, PS Hauz Khas, ND***
> *Sir,*
>
> *On date 01-11-2021, a complaint regarding opening the forge account (bearing No. 13461000001796) in the Hauz Khas Branch of Punjab and Sind bank and fraudulent activities committed using this account was received in PS Hauz Khas vide DD no 56A. The above account is in the name of Rohit Nanda S/o Rajender Kumar R/o F-206, Block -F, Pandav Nagar, Shakarpur, Delhi 110092. Complainant Rohit Nanda stated in his complaint that someone has opened the above forge account in his name and he had no information regarding opening of account or any activity associated to it.*
>
> *An inquiry has been conducted in this regard and it has been found that the person who opened the above mentioned account has used forged identification proofs to open the account and he is not the same person as the complainant Rohit Nanda. It has been verified that the Identification proofs including Aadhar and PAN card and signature of alleged person used for opening the above mentioned forged account do not match the Aadhar and PAN card and Signature of the complainant Rohit Nanda. Biometrics used for opening the forged account have also been verified and found to be different from that of the complainant Rohit Nanda. Also, the photograph of the person who opened the forged account, does not match with Photographs of the complainant Rohit Nanda.*
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> *Based on the Inquiry, it can be concluded that the complainant has no association with the above mentioned forged account or any activities related to that account. Name and address of complainant Rohit Nanda S/o Rajinder Kumar has been misused by alleged person."*

4. A reading of the above shows a very alarming state of affairs. A bank account has been opened in the name of the defendant no. 7, which the Police claims, was opened by using a forged Aadhaar and PAN Card; neither the biometrics used were those of the applicant; nor were his photographs used for the opening of the bank account. The report, however, does not state that based on this inquiry what further action has been taken against the bank, its officials and what efforts have been made to find out the identity of the person who opened this bank account.

5. It is felt necessary that before deciding upon this application, a report from the DCP (South) be called for.

6. Let a copy of this order be served on the DCP (South) with a direction to file a Status Report on the inquiry made into the matter. Such Status Report be filed within a period of four weeks.

7. List on 12th September, 2022.

CS(COMM) 193/2019 & I.A. 5399/2019, 11497/2019 & 18216/2019

8. A perusal of the order of this Court dated 12.04.2019 and the report from the Police Station, Hauz Khas referred hereinabove shows a larger fraud being perpetuated by misusing the trademarks of the plaintiffs. The learned counsel for the plaintiffs submits that a complaint in this regard has been filed by the plaintiff, which is pending investigation with the Cyber Crime Unit, Special Cell.

9. It is felt necessary that a Status Report regarding the investigation carried out by the Cyber Crime Unit, Special Cell be called for.

10. Accordingly, let notice be issued to the DCP, Cyber Crime Unit, Special Cell, who shall file a Status Report regarding the investigation carried out into the matter. The Status Report be filed within a period of four

weeks from today.

11. A copy of this order be also served on the Standing Counsel (Criminal) of the Government of NCT of Delhi for ensuring compliance.

12. List on 12th September, 2022.

NAVIN CHAWLA, J

JULY 15, 2022*/rv*