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

\+ **CS(COMM) 193/2019 and I.A. 5399/2019, 11497/2019, 18216/2019, 15451/2021, 6069/2022**

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

Through: Mr. Pravin Anand, Mr. Saif Khan & Mr. Rohil Bansal, Advocates (M-9079965359)

versus

NIXI & ANR. ..... Defendants

Through: Ms. Akshita Jain, Advocate for D-1 (M-9990526912)
Ms. Binsy Susan, Ms. Swati Agarwal, Mr. Shashank Mishra, Ms. Akshi Rastogi & Ms. Vani Kaushik, Advocates for D-3 & 4 (M-9650001297)
Ms. Aaliya Wazir, Advocate for Ms. Nandita Rao, ASC (M-9971963729)
Mr. Kushagra Goel, Mr. Nikhil Jayant & Mr. Lovesh Goel, Advocates for D-7 (M-9711443294).
SI Prince Kumar, PS Hauz Khas (M-8130717351)

CORAM:
JUSTICE PRATHIBA M. SINGH

O R D E R

% 12.09.2022

1. This hearing has been done through hybrid mode.

2. The present suit is one of the batch matters related to Domain Name Registrars, that are being heard by this Court. The Plaintiffs' - Colgate-Palmolive Company, have filed the present suit for permanent injunction restraining infringement of trademark, copyright, passing off, etc., against

the Defendants.

3. The grievance of the Plaintiffs is that Defendants are sending out emails using email addresses containing the Plaintiffs' well-known marks, such as hr@colgatepalmoliveindia.in, and inviting innocent members of the public for job interviews in the name of the Plaintiffs.

4. An application being ***I.A. 6069/2022*** was filed by the Defendant No. 7, seeking his deletion from the array of parties. The Defendant No. 7 claimed that fraudulent activities were being committed from a bank account using his name and details. He submitted that someone had opened a forged account, of which he had no information or association, in his name. Certain forged documentation and identification proofs had been used to open the fraudulent account. Vide order dated 15th July, 2022, the grievance of the Defendant No. 7, was recorded as under:

> *"5.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*

> *<u>mentioned account has used forged identification proofs to open the account and he is not the same person as the complainant Rohit Nanda.</u> 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. 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."*

5. Thereafter, vide order dated 15th July, 2022, it was directed that a report be filed by DCP (South), Delhi Police, after conducting an enquiry into the matter.

6. Today, a status report has been placed before the Court by the Delhi Police, as per which, it appears that the bank account in the name of Defendant No. 7, was opened after obtaining a proper Aadhaar card and PAN card.

7. However, Defendant No. 7 submits that he had not opened the said bank account, even though his name, contact, and other correct details have been used. It is also submitted that only the biometrics differ. The matter is under further investigation by the Delhi Police.

8. Considering the nature of the matter, it is deemed appropriate to issue court notice to the Unique Identification Authority of India (UIDAI) through

Mr. Tentu Satyanarayana, Assistant Director General (Legal), UIDAI (e-mail: tentu.satyanarayana@uidai.net.in).

9. In addition, ld. Counsel for the Plaintiffs, and the Delhi Police, may supply a copy of the status report handed over in Court today, to Mr. Anurag Ahluwalia, ld. CGSC, to obtain instructions from the UIDAI. In addition, Mr. Anurag Ahluwalia may also obtain instructions from the Income Tax Department in respect of ***PAN Card number BZEPN0665A.***

10. Accordingly, list on 13th September, 2022, along with other connected matters.

PRATHIBA M. SINGH, J

SEPTEMBER 12, 2022
Rahul/SS