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

+ **CS(COMM) 892/2023**

ENVITECH CONSULTANTS INDIA PVT LTD Plaintiff

Through: Mr. Vivekanand Sharma, in person.

versus

RUDRABHISHEK ENTERPRISES LIMITED & ORS. ... Defendants

Through: Mr. Vivek Ayyagari, Mr. Angad Singh
Makkar and Ms. Sanidhya Maheshwari,
Advocates.

Mr. Joydip Bhattacharya, Mr. Surendera
Kumar, Ms. Livya P Lalu, Ms. Anjalika
Sharma, Advocate for defendants No. 1
& 3.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **04.01.2024**

1. At the outset, counsel for the defendant who appears pursuant to a summons issued by this Court *vide* order dated 22nd December, 2023, states that court fee has not been filed by the plaintiff.

2. Mr. Vivekanand Sharma, the Managing Director of the plaintiff company appearing in person, states that he wishes to argue the matter himself and does not need any legal assistance at this stage. He further states that he has already filed the court fee as of yesterday, however, the same has not been updated in the records of this Court.

I.A. 25294/2023 (Order XXXIX Rules 1 and 2, CPC)

3. Counsel for defendant nos. 1 and 3 appears and states that the Detailed Project Reports (“DPRs”) regarding which the present suit has been filed by the plaintiff alleging, *inter alia*, infringement of copyright, were created in the



following context:

- (i) Defendant no.1 had been commissioned by the State Water and Sanitation Mission (“SWSM”) Lucknow, Government of Uttar Pradesh on 01.01.2019 for preparing the DPRs for three districts within the State, namely, Chitrakoot, Banda, and Hamirpur. In turn, defendant No.1 engaged the plaintiff who were their former employee from 13.03.2019 for the said purpose for Chitrakoot. The plaintiff started working on the DPRs, however, could not complete the same properly or in time; and therefore, as per the defendant, nos. 1 and 3, the contract for engagement of plaintiff for the said purpose was terminated on 15th October, 2019.
 - (ii) Thereafter, defendant no. 1 got the DPRs completed, particularly, for inclusion of topographic maps, through defendant No.2 (Arshiya Consulting Engineers Private Limited) *vide* contract dated 24th October, 2019. The said DPRs were completed and duly submitted to the principal SWSM on 06th March, 2020. Their commission with SWSM concluded accordingly. He further states that the said purpose of partial completion of the DPRs, they had paid the plaintiff an amount of approximately Rs. 20,00,00/-.
4. He further contends that despite seeking directions from this Court on 22nd December, 2023 in I.A. 25290/2023, the plaintiff has not placed on record the infringing material through a pen drive.
5. Mr. Sharma, Managing Director of the plaintiff company states that he shall file the draft DPRs and infringing material in a pen drive within the next two weeks. A digital copy of the same to be supplied to the counsel for defendant nos. 1 and 3. Considering that, according to the plaintiff, his draft



DPRs were also supplied to the defendant No.1, there is no purpose of placing the pen drive on record in a sealed cover.

6. Mr. Sharma further states that he has already placed various aspects of the infringement in his plaint as well as his application and wishes to rely upon the same. In essence, he states that maps which form part of his DPRs have also now been mis-utilised by defendant nos. 1 and 3 by uploading it on their website.

7. The plaintiff is granted liberty to file a tabulated chart to show what aspects of his DPRs and the allegedly infringing DPRs are similar in various aspects. He shall file the same in the next two weeks through an affidavit and include details of the source from which these topographical maps, allegedly included by him, originate.

8. The defendants shall file replies to the said application within four weeks thereafter with advance copies to the plaintiff who may file rejoinder, if any, before the next date of hearing.

9. As regards the contention of Mr. Sharma that the data prepared by him along with maps have been put in the public domain, counsel for the defendants shall seek instructions before the next date of hearing.

10. With respect to the authority of Mr. Sharma to represent the plaintiff company, he states that he has already filed the Board Resolution in this regard. However, the same seems to have been not placed on record. Let the same be placed on record before the next date of hearing.

11. List on 10th April, 2024.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 4, 2024/RK/sc