

## High Court of Karnataka- Principal Bench at Bengaluru

### Daily Status

Principal Bench at Bengaluru

In The Court Of :Honorable Judge

Case Number :WP/0029846/2014

MR AJAY S KIRLOSKAR **Versus** NATIONAL INTERNET EXCHANGE OF INDIA

Date : 01-09-2021

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**Business** : --  
**Nature of Disposal** : DISPOSED  
**Disposal Date** : 01-09-2021

Honorable Judge

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01<sup>ST</sup> DAY OF SEPTEMBER, 2021

BEFORE

THE HON' BLE MR.JUSTICE R DEVDAS

**WRIT PETITION NO.29846/2014 (GM-RES)**

**BETWEEN**

MR AJAY S KIRLOSKAR  
S/O MR. SUKUMAR R. KIRLOSKAR  
AGED ABOUT 43 YEARS,  
R/AT KIRLOSKAR HOUSE,  
KEMPAPURA,  
HEBBAL AGRICULTURAL FARM POST,  
BANGALORE 560 024

...PETITIONER

(BY SRI DHYAN CHINNAPPA, SENIOR COUNSEL FOR  
SRI ARUN KUMAR, ADVOCATE)

**AND**

- 1 . NATIONAL INTERNET EXCHANGE OF INDIA  
IN REGISTRY  
REGD OFF: FLAT NO. 6B,  
6TH FLOOR, UPPALS M6 PLAZA,  
JASOLA DISTRICT CENTRE  
NEW DELHI 110 025  
REP BY ITS SECRETARY
- 2 . M/S MITSU. IN  
1ST FLOOR, ADARSH PLACE  
118, OLD HANUMAN LANE,  
KALBADEVI ROAD,  
MUMBAI 400 002  
REP BY ITS DIRECTOR

- 3 . MR. SANJAY KUMAR SINGH  
AGE MAJOR  
F-719, GYANDEEP APARTMENT  
SECTOR-11, VASUNDHARA  
GHAZIABAD  
UTTAR PRADESH 201 012.
- 4 . M/S KIRLOSKAR PROPRIETARY LTD  
13/A, KARVE ROAD,  
KOTHRUD, PUNE 411 038  
REP BY ITS DIRECTOR
- 5 . GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATION &  
INFORMATION TECHNOLOGY  
DEPARTMENT OF INFORMATION TECHNOLOGY  
9<sup>TH</sup> LEVEL "B"- WING  
DELHI SECRETARIAT,  
NEW DELHI-110113.

...RESPONDENTS

(BY \*SRI MARAM SURESH GUPTA & SRI VAKUL  
SHARMA, ADVOCATES FOR R1)  
SRI C P AYAPPA, ADVOCATE FOR R4  
SRI SIJI MALAYIL, ADVOCATE FOR R5  
R2 & R3 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES  
226 & 227 OF THE CONSTITUTION OF INDIA PRAYING  
TO DECLARE THAT THE IN DOMAIN NAME DISPUTE  
RESOLUTION POLICY VIDE ANNEXURE-H, IS ILLEGAL,  
UNCONSTITUTIONAL AND WITHOUT ANY STATUTORY,  
LEGAL OR LEGISLATIVE MANDATE AND ETC.

THIS WRIT PETITION COMING ON FOR  
PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE  
COURT MADE THE FOLLOWING:

*\* corrected vide chamber order dated 23.09.2021*

**ORDER**

**R. DEVDAS J., (ORAL):**

After arguing for sufficient length of time, the learned Senior Counsel appearing for the petitioner and learned Counsel for the 4<sup>th</sup> respondent have agreed to a suggestion made by this Court that the parties may agitate their rights before competent civil Court or if it is the contention of the 4<sup>th</sup> respondent that the petitioner and the 4<sup>th</sup> respondent have already entered into an agreement earlier and there is an arbitration clause in such agreement, the 4<sup>th</sup> respondent is at liberty to invoke the arbitration clause in such agreement and proceed in accordance with law.

2. Consequently, the writ petition stands ***disposed of*** leaving it to the parties to either approach the competent civil Court or it is left to the 4<sup>th</sup> respondent to invoke the arbitration clause if

the petitioner and the 4<sup>th</sup> respondent have already entered into such agreement.

Consequently, the arbitral proceedings initiated under the .IN Domain Dispute Resolution Policy shall stand terminated. All contentions are left open.

**Sd/-  
JUDGE**

DL