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

+ **CS(COMM) 267/2025 & I.A. 7776-7781/2025**

RESILIENT INNOVATIONS PRIVATE LIMITEDPlaintiff

Through: Mr. Ankit Jain, Senior Advocate with
Mr. Mohit Goel, Mr. Sidhant Goel,
Mr. Deepankar Mishra, Mr. Kartikeya
Tandon and Mr. Abhishek Kotnala,
Advocates.

versus

M/S BHARAT PAY AND ORSDefendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **25.03.2025**

I.A. 7777/2025 (u/O XI Rule 1(4) of CPC, 1908)

1. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents under the Commercial Courts Act, 2015.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of.

I.A. 7778/2025 (seeking exemption from filing originals, certified/ translated/ clear copies, etc.)

4. Allowed, subject to the plaintiff filing certified/ translated/ clear copies of documents and documents with proper margin within four (4) weeks from



today.

5. The plaintiff is exempted from filing the originals at this stage.

6. The application stands disposed of.

I.A. 7779/2025 (u/S 149 of CPC, 1908)

7. Mr. Ankit Jain, senior counsel appearing on behalf of the plaintiff, submits that the requisite court fees shall be paid within two (2) weeks.

8. The aforesaid statement on behalf of the plaintiff is taken on record.

9. The application stands disposed of.

I.A. 7780/2025 (u/S 12A of the Commercial Courts Act, 2015)

10. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

11. The application stands disposed of.

I.A. 7781/2025 (seeking extension of time for filing certificate u/s 63(4)(c) of Bhartiya Sakshya Adhiniyam, 2023)

12. Two (2) weeks' time is granted to the plaintiff to file the Certificate under Section 63(4)(c) of Bhartiya Sakshya Adhiniyam, 2023.

13. The application stands disposed of.

CS(COMM) 267/2025

14. Let the plaint be registered as a suit.

15. Issue summons.

16. Summons be issued to the defendants through all permissible modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s)



of admission/ denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

17. Liberty is given to the plaintiff to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit(s) of admission/ denial of the documents of the defendants be filed by the plaintiff.

18. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

19. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

20. List before the Joint Registrar on 9th May, 2025 for completion of service and pleadings.

21. List before the Court on 10th September, 2025.

I.A. 7776/2025 (u/O XXXIX Rules 1 and 2 of CPC, 1908)

22. The present suit has been filed seeking permanent injunction restraining the defendant from infringement of trade marks and passing off, along with other ancillary reliefs.

23. The plaintiff was incorporated in the year 2018 and is engaged in the business of payment solutions and providing reconciliation thereof on software as a service model for serving offline retailers and businesses.

24. The plaintiff renders its services through its website www.bharatpe.com and www.bharatpe.in and mobile applications 'BharatPe for Business', 'BharatPe' (previously Postpe) and 'Invest BharatPe'



(previously 12% club). The earliest domain name, *i.e.*, 'bharatpe.com' was registered by the plaintiff's predecessor-in-interest on 15th November, 2017.

25. The BharatPe mobile applications and websites hosted under the aforesaid BharatPe domain names, are one-step business utility platforms for all the offline merchants and their business needs in India, allow the potential customers to generate one universal QR code and payment link to accept payments, check transaction and settlements, manage notifications, access payer profiles and engage customers in online merchant account.

26. Due to tremendous success of the plaintiff's mobile applications and websites hosted at the BharatPe domain names, the plaintiff has become one of the largest UPI acquirers in India, serving over 2.52 million active merchants across 450+ cities. The plaintiff processes 500 million UPI transactions per month amounting to Rs.12,000 crore in total payment volume monthly. The plaintiff has provided its net sales turnover generated under the BharatPe marks in India for the years 2018-19 to 2023-24 in paragraph 13 of the plaint. The plaintiff's net sales turnover in the year 2023-24 was to the tune of Rs.1,486.02 crores.


27. The plaintiff has provided its advertising and promotional expenditure for the years 2018-19 to 2023-24 in paragraph no.14 of the plaint. The plaintiff's advertising and promotional expenditure incurred in the year 2023-24 was to the tune of Rs.1,627.63 million. The details of various awards and recognition received by the plaintiff are provided in paragraph no.15 of the plaint.

28. The plaintiff actively promotes its services under the BharatPe marks on various social media platforms including YouTube, Facebook, Instagram and LinkedIn and has engaged well-known celebrities from Bollywood and




the Indian cricket team, among others, as brand ambassadors for its BharatPe marks.

29. In addition to the plaintiff's common law rights in its BharatPe marks, the plaintiff has also given details of its trade mark registrations for the marks

'BharatPe', '' and other BharatPe formative marks in paragraph no.11 of the plaint. The plaintiff's earliest registration for one of the BharatPe marks dates back to 5th October, 2018.



30. It is submitted that in the month of January 2025, the plaintiff came to know that the defendant no.1 has adopted and is using the marks 'Bharatpay',

and '' and the domain name 'www.bharatpay.net' (hereinafter collectively referred to as the 'impugned marks') for services in connection with the business of payment of utility bills, data recharge services, insurance services and other financial services, which are identical with the services rendered by the plaintiff. The plaintiff also came across a mobile application of the defendant no.1, which is being used to render services under the impugned marks which are identical with those of the plaintiff.

31. It is submitted that a cease and desist notice dated 7th January, 2025 was issued by the plaintiff to the defendant no.1, which was duly served by e-mail on 9th January, 2025. However, defendant no.1 failed to respond to the aforesaid notice. It is also stated that the location provided by the defendant no.1 on its website is in fact a google pin location of a street vendor.

32. A comparison of the plaintiff's BharatPe marks and the impugned marks of the defendant no.1 is given below:



Trade Marks	BharatPe Marks	Impugned Marks
Word Mark	BharatPe	Bharatpay
Composite Logos		
Domain Names	www.bharatpe.com www.bharatpe.in	www.bharatpay.net

33. A perusal of the table above would show that the impugned marks adopted by the defendant no.1 is phonetically identical with, and visually, structurally and conceptually similar to, the BharatPe marks of the plaintiff.

34. Based on the averments made in the plaint, the plaintiff has established its statutory as well as common law rights in its BharatPe marks.

35. In view of the above, a *prima facie* case of infringement of trade marks and passing off is made out on behalf of the plaintiff in its favour. Clearly, an attempt has been made by the defendant no.1 to create an impression that the impugned services rendered by the defendant no.1 are associated with the plaintiff.

36. Balance of convenience is in favour of the plaintiff and against the defendant no.1. Irreparable loss, harm and injury would be caused to the plaintiff if the defendant no.1 continues to use and operate under the impugned domain name and mobile application. Prejudice would also be caused to the public as the use of the impugned domain name and mobile application by the defendant no.1 would result in misleading and defrauding innocent members of the public and cause financial losses to them.

37. Despite advance service, none appears on behalf of the defendants.



38. Issue Notice.
39. Notice be issued to the defendants through all permissible modes, including e-mail.
40. Reply(ies) be filed within four (4) weeks.
41. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
42. Consequently, till the next date of hearing, the defendant no.1, its directors, proprietors, partners, officers, servants, agents, contractors, subsidiaries, holding companies, sister concerns, franchises, family members and all others acting for and on its behalf, are restrained from directly or indirectly in any manner whatsoever using, manufacturing, advertising, selling, offering for sale, marketing, etc. any domain name, website, commodity, product, service, packaging, advertising material including flyers and pamphlets, labels, stationery articles, mobile applications, email addresses, on third party platforms or any other documentation using, depicting, displaying, in any manner whatsoever, the impugned marks



BHARATPAY, and www.bharatpay.net or any other marks/ domain names which are identical with/ deceptively similar to/ containing the plaintiff's BharatPe marks in any manner or form whatsoever including misspellings of the plaintiff's BharatPe marks.

43. The defendant no.2 is directed to suspend the impugned domain name of the defendant no.1, i.e., www.bharatpay.net. The defendant no.2 is also directed to provide the details available with it with respect to the defendant no.1 to the plaintiff.
44. The defendant no.3 is directed to block the telephone number +91



9405558004 used by the defendant no.1 and disclose all available details thereof to the plaintiff.

45. The defendants no.4 to 6 are directed to issue notifications calling upon the internet service providers (ISPs) to block access to the impugned website.

46. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within five (5) days from today.

47. The plaintiff is given liberty to file a fresh application for impleadment in the event it comes across any other mark, domain name, website or mobile application connected with the defendant no.1 which are identical with or deceptively similar to the plaintiff's BharatPe marks.

48. List before the Joint Registrar on 09th May, 2025 for completion of service and pleadings.

49. List before the Court on 10th September, 2025.

AMIT BANSAL, J

MARCH 25, 2025

Vivek/-