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

+ **O.M.P.(I) (COMM.) 124/2024**

BUNCH MICROTECHNOLOGIES PVT LTD. Petitioner

Through: Mr. Karun Mehta, Mr. Yugam Taneja, Ms. Pratiksha Mishra and Mr. Kaarunya Lakshmi, Advocates (M: 9717555211).

versus

AMCP EDUTECH PVT LTD AND OTHERS Respondents

Through: Mr. Jayant Mehta, Sr. Advocate with Mr. Gauhar Mirza, Ms. Shikha Tandon, Mr. Prafful Goyal, Ms. Sejal Sethi, Mr. Adhiraj Singh Chauhan, Ms. Diya Narag and Ms. Diva Saigal, Advocates for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **16.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 11175/2024 (for direction) in O.M.P.(I) (COMM.)-124/2024

2. Let a reply be filed by the Respondents to this application.

3. The present application has been filed on behalf of the Petitioner- Bunch Microtechnologies Pvt. Ltd. It is alleged by the Petitioner that the Respondent No. 2 and 3 have deliberately disobeyed the orders dated 26th April, 2024 and 2nd May, 2024 passed by this Court.

4. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 on behalf of the Petitioner- M/s Bunch Microtechnologies Pvt. Ltd. against the Respondent No.1- AMCP Edutech



Pvt. Ltd., of which Mr. Abhinay Sharma (Respondent No.2) and Mr. Abhishek Sharma (Respondent No. 3) are directors. The Petitioner vide the present petition is inter alia seeking reliefs in terms of the Intellectual Property rights owned by Respondent No.2 which are stated to have been transferred to Respondent No. 1 in terms of the Deed of Assignment dated 29th October, 2022.

5. Vide order dated 26th April, 2024 this Court passed an interim order by which it was directed that the Intellectual Property assets of the Respondent No. 1 company shall not be diluted, transferred or misused in any manner. Relevant portion of the order dated 26th April, 2024 is extracted hereinunder:

13. In the meantime, the intangible and Intellectual Property assets of the company AMCP Edutech Pvt. Ltd. shall not be diluted, transferred or misused in any manner. No steps towards winding up of the Company shall also be taken. Any steps taken in respect of AMCP Edutech Pvt. Ltd. shall now be only with the permission of this Court.

14. The Intellectual Property in respect of which the above order would apply is set out in schedule A of the Intellectual Property Agreement dated 29th October, 2022. The same is also extracted below for the sake of clarity:



SCHEDULE A

1. Details of Domain Name:

- On GoDaddy
- domain: <https://abhinaymaths.in/>

2. Details of the Google Play application

- Application Name: Abhinay Maths
- Application Link: <https://play.google.com/store/apps/details?id=co.bran.vkdzx>

3. Details of other materials:

- IP of Assignor in and to the <https://abhinaymaths.in/> website.
- IP of Assignor in and to the Abhinay Maths mobile app (Android).
- Any other Intellectual Property Rights owned by the Assignor relating to and used in connection with the Assignor's business and the Identified IPR including but not limited to software, processes, content, videos, images.

4. Details of the Social Media Channels

Social Media Platform	Link
YouTube	Abhinay Maths https://www.youtube.com/c/ABHINAYMATHS
YouTube	Abhinay Sharma https://www.youtube.com/channel/UCLsXHzLHI5ORoJ9UqttoqlQ/featured
Facebook Page	https://www.facebook.com/mathswithabhinay/?ref=br_rs
Telegram Channel	https://t.me/abhinaymaths
Telegram Group	https://t.me/atozquantbatch2abhinaymaths
Telegram Channel for PDFs	https://t.me/abhinaymathspdfs
Twitter	https://twitter.com/abhinaymaths19?t=49EheeLO6hfxjlggSLXA0g&s=09
Instagram	https://www.instagram.com/abhinaymaths/?igshid=YmMyMTA2M2Y%3D

6. It is alleged by the Petitioner that in complete violation of the said order dated 26th April, 2024, the Respondent No. 2 has taken down all content from the application 'abhinay maths' which was available on the link mentioned at the aforesaid serial no. 2 of the schedule and has hosted



the same on a new platform on 7th May, 2024 namely Appsquadz (*hereinafter, 'new application'*). A screenshot has been handed across to show that Appsquadz has taken over the Google App 'abhinay maths' which was on Google Play as part Schedule-A (item 2) w.e.f. 7th May, 2024 at 11.52am.

7. It is further alleged that the Respondent No. 2 has started to offer courses on the new application and has called upon the students to enroll with a cost fee of Rs. 5050/-. The advertisement with regard to the same is extracted hereinunder:



8. This case has already been referred for arbitration to Justice Rajiv Sahai Endlaw (Retd) vide order dated 2nd May, 2024. Further, the said order directs that the interim order dated 26th April, 2024 shall be continued. The relevant portion of the order dated 2nd May, 2024 reads as under:-

12. Parties are acceptable for all the disputes between the parties including under the investment agreement and all connected agreements to be referred to the same Id. Arbitrator. Accordingly, the petition is disposed of with the following directions:



- i. All disputes arising out of the term sheet dated 3rd October, 2022, the investment agreement dated 29th November, 2022, prior deed of assignment dated 29th October, 2022, further agreements like branding agreement dated 7th October, 2022, consultancy agreement dated 15th November, 2022, copyright licensing agreement dated 15th November, 2022 and any other connected agreements between the parties shall stand referred for adjudication to the ld. Sole Arbitrator Justice Rajiv Sahai Endlaw who is already seized of the disputes between the parties under the Consultant Faculty Agreement dated 16th November, 2023.
 - ii. The interim order dated 26th April, 2024 shall continue till the first date of hearing before the ld. Arbitrator.
 - iii. The present Section 9 petition under the Act shall be treated as Section 17 application before the ld. Arbitrator and the pleadings and the documents filed by the Respondents shall also be considered as a reply to the said Section 17.
 - iv. Ld. Arbitrator may, after hearing ld. Counsel for the parties pass appropriate/interim orders in the matter.
 - v. The fee of the Arbitrator under this Reference shall be governed by the Fourth Schedule of the Arbitration and Conciliation Act, 1996.
9. It is a violation of this order which is alleged by the Petitioner.
10. Issue notice. Let a short affidavit be filed by Respondent No. 2 and 3 in respect of the status of all the IP assets as mentioned in Schedule A to the agreement dated 29th October, 2002. The Respondent No. 2- Mr. Abhinay Sharma shall also state in the affidavit as to what courses have been started w.e.f. 7th May, 2024 and since when the developer Appsquadz has been engaged by him for running the Google App 'abhinay maths' and the



Youtube channel. The agreement between Mr. Abhinay Sharma and the Appsquadz Software Private Limited shall also be placed on record.

11. Mr. Mehta, Id. Sr. Counsel submits that application would not be maintainable considering that the petition has already been disposed of. Let this issue be raised in the reply to the application.

12. List on 27th May, 2024.

13. In the meantime, the list and details of the total subscribers of the new application shall be maintained and filed before the Court by the next date of hearing.

14. It is submitted on behalf of the teacher-Mr. Abhinay Sharma that the Course which was to be started on 15th May, 2024 has not yet started. This status shall not be changed till the next date of hearing.

PRATHIBA M. SINGH, J.

MAY 16, 2024*/mr/rks*