



\$~75

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 476/2026 and I.As. 12524/2026, 12527/2026**
RESILIENT INNOVATIONS PRIVATE LIMITEDPlaintiff
Through: Mr. Sidhant Goel, Mr. Mohit Goel,
Mr. Abhishek Kotnala and Mr. Kartikeya Tandon,
Advocates.

versus

DIGITAL BHARAT PAY AEPS PRIVATE LIMITED AND ORS
.....Defendants
Through: Mr. Surya Bhushan Kumar, Director
of D-1 through VC.
Ms. Ekta Sharma, Mr. Udit Tewari and Ms.
Surabhi Katore, Advocates for D-3/Google LLC.
Mr. Gaurav Barathi, SPC with Ms. Amita Singh
and Mr. Manish Rawat, Advocate for D-6/MeitY
and 7/DoT.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
11.05.2026

%

I.A. 12528/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 12526/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 seeking exemption from Pre-Institution Mediation.
4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, as also Division Bench of



this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiff from Pre-Institution Mediation.

5. Application is allowed and disposed of.

I.A. 12525/2026 (u/S 149 CPC)

6. This application is filed on behalf of the Plaintiff seeking extension of time by two weeks to file the court fee.

7. Since the court fee has already been deposited, this application is rendered infructuous.

8. Application stands disposed of as infructuous.

CS(COMM) 476/2026

9. Let plaint be registered as a suit.

10. Issue summons.

11. Counsels, as above, accept summons on behalf of the respective Defendants.

12. This suit is instituted on behalf of the Plaintiff *inter alia* seeking a decree of permanent injunction against Defendants No. 1 to 8 and all others acting on their behalf from directly or indirectly dealing in any manner in any products or services under the infringing word mark 'Bharat Pay



AEPS', logo as also the trade name 'Digital Bharat Pay AEPS Private Limited', domain name www.bharatpayaeps.online and mobile application 'Bharat Pay AEPS/M-ATM/DMT and/or any other mark deceptively similar to Plaintiff's registered BharatPe marks and its variants, amounting to infringement and passing off, amongst other reliefs.



13. Mr. Surya Bhushan Kumar, Director of Defendant No. 1 has joined Court proceedings virtually on advance copy of the plaint and submits that he is the Director of Defendant No. 1 company and that the company has taken a decision not to use the infringing marks in future and shall discontinue the use forthwith, subject to Plaintiff giving up the reliefs of damages, costs, rendition of accounts and delivery up. Mr. Surya Bhushan Kumar also agrees to transfer the domain name and not to use the same henceforth. Statement of Mr. Surya Bhushan Kumar along with his identity proof is taken on record and accepted. Let an affidavit of undertaking be filed by Mr. Surya Bhushan Kumar within three weeks from today.

14. Learned counsel for the Plaintiff, on instructions, submits that if Defendant No. 1 is willing to give up the use of infringing marks, Plaintiff will not press for reliefs, save and except, for permanent injunction.

15. Accordingly, the suit is decreed in terms of paragraph 48(a), (b), (c) and (d) of the plaint, since the Plaintiff has made a statement that it shall give up all other reliefs, including damages and costs. Steps will be taken by the Defendant for transfer of impugned domain name within two weeks from today, as per law.

16. Registry is directed to draw up the decree sheet.

17. Suit along with pending applications stands disposed of.

18. Plaintiff is held entitled to refund of entire court fees in accordance with the Court Fees Act, 1870.

JYOTI SINGH, J

MAY 11, 2026

S.Sharma