

**Indian-Non Judicial Stamp
Haryana Government**

Date :30/11/2018

Certificate No. G0302018K388

GRN No. 42266328

Stamp Duty Paid : ₹ 101
(Rs. Only)Penalty : ₹ 0
(Rs. Zero Only)**Deponent**

Name: Rachna Bakhru

H.No/Floor : Na

City/Village : Gurugram

Phone : 0

Sector/Ward : Na

District : Gurugram

Landmark : Na

State : Haryana



Purpose : AFFIDAVIT to be submitted at Other

RACHNA BAKHRU

ARBITRATOR

Appointed by the .IN Registry – National Internet Exchange of India

In the matter of:

Trent Limited
Trent Limited Legal Department,
Trent House, 10th Floor,
Plot No. C-60, G Block
Bandra Kurla Complex
Bandra (East), Mumbai 400051

....Complainant

K. Sukumar
Westside Enterprises (OPC) Private Limited
105, B. B. Chatterjee Road,
Ballygunge, Kasba,
Kolkata-700042
West Bengal, India
Phone: +91-7095974255
Email: aartsofindia@gmail.com

.....Respondent

Disputed Domain Name: <WWW.WESTSIDE.CO.IN>

AWARD

1) The Parties:

The Complainant in this arbitration proceeding is Trent Limited, of the address Trent Limited Legal Department, Trent House, 10th Floor, Plot No. C-60, G Block, Bandra Kurla Complex, Bandra (East), Mumbai 400051. The Complainant is represented by its authorized representative, M/s Khaitan & Co.

The Respondent in this arbitration proceeding is K. Sukumar of the organization Westside Enterprises (OPC) Private Limited of the address 105, B. B. Chatterjee Road, Ballygunge, Kasba, Kolkata-700042, West Bengal, India as per the details available in the whois database maintained by National Internet Exchange of India (NIXI).

2) The Domain Name, Registrar & Registrant:

The disputed domain name is <www.westside.co.in>.

The Registrar is Endurance Domains Technology LLP (R173-AFIN).

The Registrant is K. Sukumar of the organization Westside Enterprises (OPC) Private Limited of the address 105, B. B. Chatterjee Road, Ballygunge, Kasba, Kolkata-700042, West Bengal, India.

3) Procedural History:

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28th June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

As per the information received from NIXI, the history of the proceedings is as follows:

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Ms. Rachna Bakhru as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.

- The complaint was produced before the Arbitrator on March 25, 2019 and the hard copy of the complaint sent by NIXI was received in the Arbitrator's office on March 26, 2019.
- The notice was issued to the Respondent on March 27, 2019 at his email address aartsofindia@gmail.com and westside.pvt.ltd@gmail.com outlining that the Complainant had prayed for transfer of the disputed domain name "www.westside.co.in" in its favour. The Respondent was called upon to submit their response within ten (10) days of receipt of the Arbitrator's email i.e. until April 06, 2019.

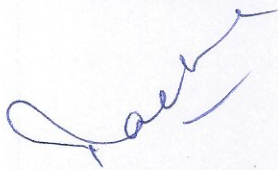


- The Arbitrator received email response from the Respondent on March 30, 2019 informing that he is unable to hire an attorney for the arbitration proceedings due to his financial condition and enquired if he can submit his response by email, the relevant email address and if the reply needs to be notarized.
- In response to aforementioned email, the Arbitrator sent an email on April 01, 2019 to the Respondent at his email address westside.pvt.ltd@gmail.com clarifying the Respondent queries and providing an appropriate response.
- The Arbitrator thereafter received email dated April 03, 2019 from the Respondent stating that he was not aware of Complainant's Trademarks during the registration of the Disputed Domain Name "www.westside.co.in" and he is ready to cooperate in the transferring process of the Disputed Domain Name "www.westside.co.in" to the Complainant's account. The Arbitrator thereafter received another email dated April 05, 2019 from the Respondent stating that he is ready to transfer the Disputed Domain Name "www.westside.co.in" to the Complainant's account.
- I note that the present mode of communication i.e. emails were copied to all the concerned parties i.e. Complainant and Respondent as well as NIXI. I have returned all the pleadings/documents received in the present Arbitration case to NIXI via courier. I further confirm that I did not receive any pleadings/documents from the parties (Complainant and/or Respondent) in relation to present Arbitration case.

4) **Decision:**

On the basis of express consent from the Respondent to transfer the disputed domain name to the Complainant, I hereby direct that the disputed domain name www.westside.co.in be transferred to the Complainant.

The Respondent is ordered to cooperate in every capacity for completing the transfer the disputed domain name in favour of the Complainant.



RACHNA BAKHRU
SOLE ARBITRATOR
NIXI
INDIA
April 23, 2019