

In the matter of

Britannia Industries Limited
Prestige Shantiniketan, Tower C
The Business Precinct
16th and 17th Floor, Whitefield Main Road
Bangalore – 560 048

... Complainant

v.

Sanjeev Kumar
Andheri East
Mumbai

... Respondent

1. The Complainant in this proceeding is Britannia Industries Limited of Prestige Shantiniketan, Tower C, The Business Precinct, 16th and 17th Floor, Whitefield Main Road, Bangalore – 560 048. It is represented in this proceeding by Mr. Omar Waziri, its Legal Officer and Constituted Attorney. The Respondent in this proceeding is Sanjeev Kumar of Andheri East, Mumbai with email steriofather@gmail.com and number +91 9748723142.
2. This dispute concerns the domain name <britindia.in> (the 'disputed domain name') registered on July 7, 2021. The Registrar with which the disputed domain name is registered is Endurance Digital Domain Technology LLP.
3. The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (Policy), adopted by the National Internet Exchange of India (NIXI). NIXI requested availability of Ms. Punita Bhargava to act as the Sole Arbitrator in the matter. The Arbitrator indicated her availability and submitted the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the .INDRP Rules of Procedure (Rules).

In accordance with Rules, NIXI vide its email of August 31, 2022 appointed the Arbitrator and shared the Complaint and documents. The Arbitrator sent a communication on September 1, 2022 to the Complainant asking it to comply with the service requirements and informing the Respondent of the commencement of the proceeding and providing him time till September 15, 2022 to file his reply.

On September 13, 2022, the Arbitrator asked the Complainant regarding compliance of service formalities. On September 14, the Complainant confirmed that hard copy of the Complaint was sent by RPAD to the address available and it was out of delivery and Complaint had been sent by email to the Respondent. On September 26, 2022, the Complainant communicated that the RPAD sent to the Respondent had returned due to 'Insufficient Address' but confirmed that the email sent to the Respondent on the available email address did not bounce back.

On September 27, 2022, the Arbitrator sent a, email to all concerned that no Reply had been received from the Respondent in the time stipulated and that she will proceed to pass the award in the matter based on the material before her.

4. Preparatory to the Award, the Arbitrator independently tried to visit www.britindia.in to determine if there was any evidence proving the Complainant's assertions with regard to second and third elements of the Policy and noted that there was no website corresponding to the disputed domain name and that it was available for registration, not having been renewed by the Respondent. A further check on October 30, 2022 revealed that the disputed domain name was registered by the Complainant on October 27, 2022 and stands in its name.
5. Accordingly, the Complaint abates and no award on merits is called for. There is no order as to costs.
6. This award has been passed within the statutory deadline of 60 days from the date of commencement of arbitration proceeding.



Punita Bhargava
Sole Arbitrator
Date: October 31, 2022