



हरियाणा HARYANA

R 900962

RANJAN NARULA

ARBITRATOR

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

In the matter of:

**Equitas Holdings Limited**

Phase – II, 4<sup>th</sup> Floor,  
Spencer Plaza,  
No. 769, Anna Salai,  
Chennai – 600 002

....Complainant

**K.P Sivadas**

Chaitanya Sheel, Thane,  
Maharashtra – 421 202

..... Respondent

Disputed Domain Name: [www.equitassfb.in](http://www.equitassfb.in)

**AWARD**

### **1) The Parties:**

The Complainant in this arbitration proceeding is Equitas Holdings Limited of Phase – II, 4<sup>th</sup> Floor, Spencer Plaza, No. 769, Anna Salai, Chennai – 600 002. The Complainant is represented by its authorized representatives Mr. H. Mahalingam – President IT & Group CTO of Phase – II, 4<sup>th</sup> Floor, Spencer Plaza, No. 769, Anna Salai, Chennai – 600 002.

The Respondent in this arbitration proceeding is K.P Sivadas of Chaitanya Sheel, Thane, Maharashtra – 421 202 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.equitassfb.in](http://www.equitassfb.in). The Registrar is GoDaddy.com, of Corporate Head Quarters, 14455.N, Hayden Road, Ste 226, Scottsdale, AZ85260, USA.

The Registrant is K.P Sivadas of Chaitanya Sheel, Thane, Maharashtra – 421 202

### **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 28<sup>th</sup> 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 Ranjan Narula 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.

1. The complaint was produced before the Arbitrator on October 14, 2015 and the notice was issued to the Respondent on October 14, 2015 at his email address with a deadline of 10 days to submit his reply to the arbitration.





2. Vide email dated November 4, 2015 Respondent informed that he has received a copy of complaint and requested the Arbitrator to grant 14 days time to submit the reply.
3. Vide email dated November 5, 2015 the Arbitrator granted final opportunity to file response on or before 15<sup>th</sup> November, 2015.
4. Vide email dated November 16, 2015 the Respondent requested to grant time until 20<sup>th</sup> November, 2015 to file his reply.
5. Vide email dated November 16, 2015 the Arbitrator granted further time until 18<sup>th</sup> November, 2015 to file response.
6. The Respondent submitted its response on November 18, 2015. On November 19, 2015 the Arbitrator called upon the Complainant to file its Rejoinder in response to the Respondent's reply by November 23, 2015.
7. The Complainant's representative filed their rejoinder on November 20, 2015.
8. Vide email dated November 23, 2015 the Respondent sought time to submit further comments and sought time until November 30, 2015 to file their response.
9. Vide email dated November 23, 2015 the Arbitrator informed that as per the policy the case must be concluded within 60 days. Further both the parties have submitted their response. Thus, the order has been reserved in the matter and no further submissions are required from either of the parties.
10. Vide email dated November 25, 2015 the Respondent further filed their comments/response on rejoinder filed by Complainant.
11. Vide email dated November 26, 2015 the Respondent informed that they have decided not to further proceed with the disputed domain [www.equitassfb.in](http://www.equitassfb.in) and prayed that "without looking into the merits of the dispute of the complainant, the domain name [www.equitassfb.in](http://www.equitassfb.in) be cancelled".
12. Vide email dated November 26, 2015 the learned Arbitrator wrote to Respondent and mentioned that the Complainant has prayed for transfer of domain name in his complaint. Thus to workout amicable settlement of this dispute, you may provide a signed scan confirmation to the following effect **"Without looking into the merits of the dispute of the complainant, the domain name [equitassfb.in](http://www.equitassfb.in) be transferred to Equitas Holding Limited of Phase-II, 4<sup>th</sup> Floor, Spencer Plaza, No 769, Anna Salai, Chennai- 600002"**.



## Discussing and Finding

No response was received from the Respondent/Registrant to the above suggestion. However, the Respondent categorically stated vide email dated November 26<sup>th</sup>, 2015 that he does not want to contest the matter and that the domain name be cancelled. The email received from the Respondent is reproduced below.

"Respected Sir,

After giving a careful thought to the dispute raised by the complainant being a corporate with a lot of clout and resources, I have decided not to further proceed with the disputed domain [equitassfb.in](http://equitassfb.in). Individuals have their own limitations in resources in fighting it out.

**This mail is to inform you to amicably settle the issue I agree to the following: you may kindly facilitate cancellation of the domain. I pray "Without looking into the merits of the dispute of the complainant, the domain name [equitassfb.in](http://equitassfb.in) be cancelled."**

*I here by authorise the Registrar to do the needful*

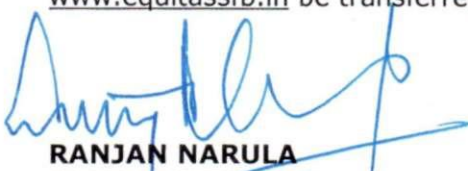
*Thanking you all once again for hearing the case patiently.*

*Sincerely*

*Sivadas"*

## Decision

In view of the above, I have carefully considered the matter and come to the conclusion that the Respondent having voluntarily given up his claim and rights into the domain name and also agreed to cancel his domain name, therefore, no useful purpose would be served in discussing the merits of the case. Thus, it is hereby directed that the disputed domain name [www.equitassfb.in](http://www.equitassfb.in) be transferred to the Complainant



**RANJAN NARULA  
SOLE ARBITRATOR  
NIXI  
INDIA**

**December 8, 2015**