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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY

(Appointed by the National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name: <MACET.EDU.IN >

IN THE MATTER OF

Prince Vino F,
 S/o Francis,
 Sirayankuzhi, Kanjiracode
 PO Kanyakumari District
 Email: macet.office@gmail.com

.... Complainant

-----versus-----

T James Wilson,
 Sigma Complex, Sangai,
 Kanjiracode, PO, Kanyakumari District,
 Email: dr.jameswilson2012@gmail.com

... Respondent

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Vikrant Rana

1. The Parties

The **Complainant** in this arbitration proceeding is **Prince Vino F**, claiming to be the Chairman of Marthandam College of Engineering and Technology, Kanyakumari District, Tamil Nadu residing at Chirayakuzhi, Kanjiracode, PO, Kanyakumari District.

The **Respondent** in this arbitration proceeding is **Dr. T. James Wilson**, claiming to be the Chairman of Marthandam College of Engineering and Technology, and the President of Marthandam Educational and Charitable Trust.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**MACET.EDU.IN**> with the .IN Registry. The Registrant in the present matter is **ERNET India**.

3. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
May 13, 2025	NIXI sought consent of Mr. Vikrant Rana to act as the sole arbitrator of the matter. The Arbitrator informed of his availability and gave his consent vide email.
May 17, 2025	The Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
May 22, 2025	NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator
May 27, 2025	The Arbitrator acknowledged receipt of the documents and directed the Complainant to provide a duly notarized Power of Attorney.
May 28, 2025	The Complainant's Counsel submitted a duly notarized power of attorney to the Arbitrator.

Vikrant Rana

	The Arbitrator directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon the Respondent by email as well as via physical mode and provide proof of service within seven (7) days.
May 28, 2025	The Complainant's Counsel submitted a single document where the domain complaint as well as the annexures are merged into one document.
May 29, 2025	The Complainant's Counsel confirmed having served the documents upon the Respondent via email and also having dispatched the same via courier.
June 02, 2025	The Arbitrator directed the Complainant to provide proof of delivery of the above-mentioned documents.
June 04, 2025	The Complainant's counsel provided proof of delivery of the documents served to the Respondent.
June 05, 2025	The Arbitrator acknowledged proof of service of the documents and commenced the arbitration proceedings thereby granting the Respondent a time period of 14 days i.e., till June 19, 2025 to file a response to the said complaint.
June 17, 2025	The Arbitrator was in receipt of an email from the Respondent, wherein the Respondent had not kept the other parties to the proceedings copied in this email (i.e. .IN Registry, Complainant, etc.), in contravention of the INDRP Rules of Procedure. In the said email, the Respondent had inter alia, sought approval to add their legal representatives in the email loop.
June 19, 2025	The Respondent filed its response to the Complaint once again not keeping the other parties in the copied in the email.
June 20, 2025	The Arbitrator acknowledged receipt of the Respondent's email and directed the parties to ensure all relevant parties are included in future communications regarding this present domain dispute. Further, the Arbitrator directed the Respondent to furnish a notarized power of attorney which authorizes their counsel within five (05) days and serve

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	a copy of their response to the Complainant and provide proof of delivery within seven (07) days.
June 25, 2025	The Respondent submitted power of attorney to the Arbitrator.
June 28, 2025	The Respondent's counsel submitted proof of delivery of the copy of their response served to the Complainant.
June 30, 2025	The Arbitrator acknowledged safe receipt of the Power of Attorney as submitted by the Respondent and granted a time-period of ten (10) days to furnish a rebuttal/rejoinder.
July 05, 2025	The Complainant's Counsel enquired regarding the process of a in-person prosecution. The other parties to the proceedings were not copied in this email by the Complainant's counsel.
July 07, 2025	The Arbitrator acknowledged the Complainant's email and informed that they have already been granted a time-period of 10 days to furnish a rebuttal/rejoinder and any requests for hearing may be entertained after the rebuttal is filed. Further, the Arbitrator informed that the modalities of hearing under the INDRP are mentioned in Rule 22 of the INDRP Rules of Procedure.
July 07, 2025	The Complainant's Counsel filed the rejoinder and provided postal receipt of the rejoinder sent to the Respondent.
July 10, 2025	The Arbitrator acknowledged receipt of the rejoinder and directed the Respondent to confirm if the disputed domain " <u>macet.edu.in</u> " is also addressed upon in the case (CMA No. 6 of 2025) currently pending before the Additional District and Sessions Judge, Padmanabhapuram. Further, the Arbitrator requested to provide copies of all the orders passed till date and update the current status and the next date of hearing.
July 11, 2025	The Respondent's Counsel requested for an opportunity to file a written counter to the claims made by the Complainant in the Rejoinder and further informed that the Civil Suit filed by Marthandam College of Engineering and Technology in O.S.No.383 of 2024 seeking permanent injunction against the former Trustees including the Complainant is still pending before the Subordinate Judge, Padmanabhapuram, Kanyakumari District. Further, they

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	informed that the subject domain is the property of the plaintiff in the suit and thus it is part and parcel of the claims made therein.
July 14, 2025	The Arbitrator granted a time period of seven days to furnish a rebuttal/rejoinder along with the relevant documents.
July 22, 2025	The Respondent's Counsel filed the rejoinder.
July 24, 2025	The Arbitrator requested the Respondent to also provide a <u>copy of the appeal</u> filed before the Additional District and Sessions Judge, Padmanabapuram, Kanyakumari District within three (03) days. Further, the Arbitrator directed to confirm whether the domain " <u>macet.edu.in</u> " is amongst the claims made under the ongoing legal disputes.
July 27, 2025	The Complainant's Counsel claimed that the subject domain is not part of any legal proceedings related to the college and mentioned that ERNET had previously directed them to approach NIXI to resolve the same.
July 27, 2025	The Respondent's Counsel claimed that the domain belongs to the college which is run by the Marthandam Educational and Charitable Trust, hence a 'property' of the Marthandam Educational and Charitable Trust. Further, they informed that no judgement has been passed in O.S. No. 383 of 2024 and the Suit is pending. An Interim Injunction was ordered in I.A. No. 1 of 2024 and the same was vacated in I.A. No. 4 of 2024 against which C.M.A. No. 6 of 2025 (Civil Miscellaneous Appeal) has been filed.
July 28, 2025	The Arbitrator directed the Complainant to provide the communications with ERNET India and copy of the relevant order passed by ERNET India inter alia, directing to approach NIXI to resolve the issue within three (03) days.
July 30, 2025	The Complainant's Counsel provided the emails sent to ERNET and the direction from ERNET to approach NIXI for the domain dispute resolution. Email received from the Respondent's Counsel mentioning no such orders passed by any Hon'ble Court as mentioned by the Complainant.

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July 31, 2025

Arbitrator concluded proceedings and reserved the present award.

4. Details of the Proceedings

i. Complainant Details

Counsel for the Complainant/Complainant in the present matter has submitted as follows:

- During the first tenure when the college was formed in the year 2006, the Respondent was the vice-chairman of the college and the disputed domain 'macet.edu.in' was obtained from the Registrar ERNET India by the Respondent only for purpose of educational institution.
- The Complainant along with the secretary of the college and other members convened a general meeting based on certain fraudulent activities of the Respondent on November 25, 2023.
- Thereafter, the Complainant took charge as the president of the Trust as well as Chairman of the college.
- On September 24, 2024, the Respondent filed a suit for permanent injunction before the Hon'ble sub-court of Padmanabhapuram praying that the newly elected office bearers do not interfere in the college administration and that the administrative rights be given to him vide OS No. 383/2024.
- The Respondent was granted an ex-parte ad-interim injunction in IA No. 1/2024 in O.S. No. 383/2024 on November 26, 2024 to restrain the Complainant or their associates from trespassing into the college property and causing any disturbance to the administration of the college and for placing any pamphlets, posters or banners to cause any disturbance to the functioning of the college.
- An enquiry was done by the Learned Judge and the injunction was vacated on January 04, 2025 in IA No. 04/2024 in OS No. 383/2024 inter alia, stating that the Respondent is not a part of the administration or Trust.
- On January 06, 2025, it was found that the disputed domain is not accessible through the college's email ID and thereafter the concern was raised to the Registrar and was identified that the Respondent has changed the login credentials on January 05, 2025.
- The Complainant also filed an online complaint before NCRP for IPR Theft and the same was transferred to the Cyber Crime Police, Kanyakumari District and they conducted proper enquiry and verified all documents and court orders and registered a complaint against the Respondent.



- After enquiries and numerous discussions over phone and email the Complainant feels that ERNET (Registrar) is biased and have colluded with the Respondent and on April 04, 2025 the petition with ERNET was rejected and the Complainant was asked to approach NIXI.
- The Complainant submitted that once the Respondent has been terminated from the basic membership of the Trust and the office of Chairmanship, he has no legitimate right to access or modify the domain and it is illegal however the Respondent has updated the site claiming himself to be the Chairman and has also changed the communication mail registered with the domain, all after the court order was pronounced against him.

ii. Counter-Statement Filed by the Respondent

Counsel for the Respondent/Respondent in the present matter has submitted a follows:

- The Complainant resigned from the Trust and the same was accepted in the 10th General Body Meeting on January 25, 2017. The fact of the Complainant's resignation has been admitted before the Hon'ble High Court of Madras in CRL O.P (MD) No. 6324 of 2019 in CRL. O.P. (MD) No. 9544 of 2019.
- After the resignations, the Trust Deed was amended to incorporate the resignations and the remaining members of the trust through an amendment deed.
- The macet.office@gmail.com was one of the official email ids of the College and it was used to manage the domain until the said email address was designated strictly for office use and macet4984@gmail.com was designated for College Management purpose, including domain management and thereafter due to security reasons, macet.office@gmail.com was discarded.
- No general body meeting took place and the Complainant did not take charge as the President of the Trust and through another meeting removed him from the Trust. The complainant is no longer a member of the Trust and as per the Trust deed, only the members of the Trust can convene and attend the meetings of the Trust.
- The Complainant and his accomplices were trying to interfere with the functioning of the Trust and its College, so the Respondent filed a suit for an permanent injunction against the Complainant and others in O.S. No. 383/2024 on the file of Subordinate Judge, Padmanabhapuram, Kanyakumari District, and an application

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for interim injunction in I.A. No. 1 of 2024 in O.S. No. 383/2024, the injunction was also granted.

- The Complainant by way of forged documents filed an application for vacating the injunction and the injunction order was vacated.
- The vacation of the injunction order is challenged in C.M.A. No. 6 of 2025 on the file of Additional District and Sessions Judge, Padmanabapuram, Kanyakumari District;
- The matter is sub judice and based on the incomplete legal proceedings, the dispute herein has been raised and the Complainant cannot claim a relief based on matter which is sub judice.
- The Complainant along with his brother-in-law Mr. K. Sundar Raj and their accomplices, forged and fabricated two amendment deeds in the name of the Trust, suppressed the 2019 amendment deed and presented the said forged deeds for registration before the Sub Registrar Joint-II, Marthandam. On believing the said forged and fabricated deeds to be genuine, the said Registrar registered the forged deeds against which the Respondent has filed cancellation and the same are pending before the Inspector General.
- The Complainant in order to take control of the college website and communication, has used devious methods to pay the domain renewal fees for the year 2025-2026 on April 04, 2025.

iii. Rejoinder Filed by the Complainant

Counsel for the Complainant/ Complainant in the present matter has submitted as follows:

- i. The Respondent's claim of being a chairman is disputed.
- ii. There was no general body meeting conducted as on January 25, 2017 or any resignations happened.
- iii. The Respondent himself by suo-moto registered an amendment deed vide document no. 166/2019 on file of Joint Sub-Registrar, Kanyakumari, without the knowledge of the other trustees.
- iv. The letter head used by the Respondent to grant the power of attorney shows the domain name written as 'www.macent.edu.in', which is not that of the college and which clearly shows that he is not the regular user of the college and its particulars.

- v. The Respondent has mala fide intentions towards the college and only aims at jeopardising the name of the college.

iv. Rejoinder Filed by the Respondent

Counsel for the Respondent/Respondent in the present matter has submitted as follows:

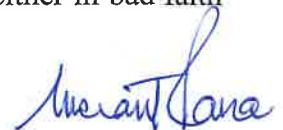
- i. The Complainant has falsely claimed that a final order has been passed in O.S. No. 383 of 2024 on the file of Subordinate Judge, Padmanabhapuram, Kanyakumari District, wherein the Suit is still pending.
- ii. On January 04, 2005, only the Interim Order in I.A. No. 1 of 2024 was vacated.
- iii. The Trust Amendment Deed registered as Document No.166 of 2019 was based on the resolution passed on July 10, 2019, in the 11th General Body Meeting.
- iv. The Complainant herein has been fabricating documents with intention to usurp the college and its properties for his ulterior motives.
- v. Any resigned Trustee cannot rejoin the Trust or involve with the Trust by any means in its management hence, any documents produced by the Complainant herein or other resigned trustees after resignation is fabricated and should be invalidated.

5. Discussion and Findings

Prior to discussing the legal submissions of the domain dispute, considering the multiplicity of pleadings and rebuttals on part of both parties, as well as the voluminous submissions and evidences placed on record, the Arbitrator finds it imperative to first discuss the submissions/ pleadings/ which prima facie do not directly correspond with the three requirements as enumerated in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy.

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, the Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
- ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
- iii. The Registrant's domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.



However, the Complainant has not satisfied the aforesaid elements.

Further, as brought to light during the proceedings, the Respondent had filed a suit (O.S No. 383 of 2024) against the Complainant on **September 24, 2024** before the Hon'ble Subordinate Court Padmanabhapuram seeking permanent injunction restraining the Complainant and their agents from trespassing into the college property and interfering in the day to day administration of the college either by interfering by pasting derogatory posters, or issuing or publishing and circulating derogatory bit notices trying to pose as the current office bearers and members of the Trust and trying to impersonate the college and the Trust in any manner except by due process of law.

An injunction order (I.A No: 01/2024 in OS No: 383/2024) dated **November 26, 2024** was passed by the Hon'ble Subordinate Court Padmanabhapuram, inter alia, restraining the Complainant and/or their associates from trespassing into the college property and causing any disturbance to the administration of the college and for placing any pamphlets, posters or banners to cause any disturbance to the functioning of the college.

The Complainant thereafter filed an application seeking an order to set aside the injunction order (I.A No: 01/2024 in OS No: 383/2024). On **January 04, 2025**, the injunction order was vacated (in I.A No: 04/2024 in OS No: 383/2024) by the Hon'ble Subordinate Judge's Court, Padmanabhapuram stating that based on the appropriate documents submitted the college administration is under the control of the team headed by the Complainant and thus if the injunction continues, it will be against the interest of the college and cause irreparable damage to the Complainant.

The Respondent filed an appeal before the Additional District and Sessions Judge, Padmanabhapuram, Kanyakumari District in C.M.A. No. 6 of 2025 on **March 01, 2025**, seeking to set aside the order and decretal order dated January 04, 2025, passed in I.A No. 04 of 2024 in I.A No. 01/2024 in O.S No. 383/2024. As the order for vacation was issued basis forged documents submitted by the Complainant i.e., amendments on the Trust Deed dated October 29, 2024 and February 15, 2024 and further the Complainant suppressed the fact that they have resigned from the Trust and received back their membership fee and the resignation was also incorporated on the amendment deed registered as Document No. 166/2019 on the file of the Joint Sub-Registrar -1,



Kanyakumari. As per the 2019 amendment deed, the resigned trustee wants to rejoin, the specific provision in the 2019 amendment deed must be deleted or amended which was not done in this case. Further, the Complainant has not challenged the amendment deed of 2019 before any appropriate Court or authorities till date.

Thus, the vacation of the injunction order dated January 04, 2025, is currently under appeal.

6. Decision

Owing to the aforementioned, and in understanding as per the submissions made under the Complaint, the domain <macet.edu.in> was registered and used for the purpose of internal as well as external communications pertaining to college administration. Therefore, the matter is found to be sub judice before the Hon'ble Court(s), and the Policy is not the appropriate mechanism to investigate or resolve the issue raised in this case.

Given the principle of sub judice and in the interest of maintain judicial propriety and avoiding parallel proceedings, the Arbitrator finds it inappropriate to proceed with or render a decision on the matter at this stage.

Therefore, the Complaint is dismissed. The Complainant remains entitled to pursue relief through the appropriate judicial forum. Consequently, the Complainant's request for relief under this proceeding is denied.



Vikrant Rana, Sole Arbitrator

Date: August 13, 2025.

Place: New Delhi, India.