

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,  
NEW DELHI BENCH  
I.A. NO. 1228 OF 2021  
IN  
COMPANY PETITION (IB) NO. ND.409 (PB) / 2017**

**IN THE MATTER OF:**

Vikram Bajaj (Resolution Professional of Net 4 India Limited)	...Applicant
Versus	
Internet Corporation for Assigned Names and Numbers & Others	...Respondents
IN	
Edelweiss Asset Reconstruction Co. Ltd	... Financial Creditor
Versus	
Net 4 India Limited	...Corporate Debtor

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 TO PLACE ON RECORD  
CERTAIN ADDITIONAL FACTS / DOCUMENTS FURTHER TO ORDER DATED 23  
MARCH 2021**

I, James W. Hedlund, Senior Vice President, Contractual Compliance and Managing Director – Washington, D.C. office of the Internet Corporation for Assigned Names and Numbers (ICANN), aged about 56 years, having my offices at Washington, D.C., USA, do hereby depose on oath as follows:

1. I state that I am an authorized representative of the Respondent No. 1 (i.e., ICANN) herein and I am aware of the facts and circumstances of the present dispute. Hence, I am competent to swear to the contents of this Affidavit.
2. I understand that by order dated 23 March 2021, this Hon'ble Tribunal had granted liberty to Respondent No.1 herein, to place on record certain additional facts / documents that reflect the new complaints received by ICANN from the customers of the Corporate Debtor.
3. Without prejudice to ICANN's objections to this Hon'ble Tribunal's jurisdiction as stated in its Objections and Written Submission(s), I wish to place on record the following:
  - a) I submit that since 26 February 2021 (date of termination of the agreement between ICANN and the Corporate Debtor), ICANN has received more than **580 complaints / requests for assistance** from the Corporate Debtor's customers. Of this, ICANN has received close to **280 complaints / requests for assistance** from the Corporate

Debtor's customers after the Ad-Interim Order dated 13 March 2021 (**Ad-Interim Order**) passed by this Hon'ble Tribunal.

- b) As of 21 March 2021, approximately **2000 cases relating to the Corporate Debtor remain unresolved** (this includes 400 compliance cases opened by ICANN's Compliance Department and more than 1,500 complaints / requests for assistance addressed to ICANN's Compliance Department).
- c) Overall, between 1 January 2020 to 21 March 2021, ICANN has received around **6000 complaints / requests for assistance** (this includes approximately 3,000 complaints to ICANN's Compliance Department and approximately 2,900 communications to ICANN's Global Support Division).
- d) I submit that these complaints are serious in nature and demonstrate the magnitude of the breaches committed by the Corporate Debtor, which continue to affect thousands of *bona fide* customers of the Corporate Debtor. For this Hon'ble Tribunal's benefit, I set out a table briefly illustrating some of the complaints (with emphasis supplied, as necessary) received by ICANN after the passage of the Ad-Interim Order:

<b>Date</b>	<b>Case Number (per ICANN records)</b>	<b>Complaint (with personal identifying information of the complainants being redacted, as necessary)</b>
13 March 2021	(01017401)	<i>"My domain was to expired on 11th February 2021, so i have renwed it on 20th January 2021 but it is still showing in process and did not complete my renewal inspite of my payment. So further i requested to transfer my domain name but they are not sending me the Auth Code."</i>
14 March 2021	(01017545)	<i>"I have two domains (1) ammaindia.com and (2) elmas-abacus.com registered through Net4india.com. Now this company has gone bankrupt and stopped taking complaints or service requests. So, they are stuck with them. Please help me transfer these domains to another Registrar so that the hosted website is reachable to public."</i>
15 March 2021	(01017699)	<i>"NET4 is not operational now and I have been trying to get Auth Code but unable to get same. My domain Ammev.com is going to expire on April 8,</i>

			<i>2021. Please help in getting Auth Code so that I can transfer same to other Registrar”</i>
16 2021	March	(01017918)	<i>“many times i send request to transfer my domain from net4.com, <b>there is no possible to tranfer, no hosting service, i paid for hosting, that is not working, site also not working, in the mean time my domain is expired, what i do, pls dont ask proof, because millions of websites suffers in india due to net4.com or net4.in.</b> what is purpose of running icann.org, now net4.com doing back door to transfer domain with a high cost... Now they are increase the domain name charges double, so we cant move from here, no service , but we have to pay double the amount to net4.com with service,. no body dont care pls do something for people of india”</i>
17 2021	March	(1018248)	<i>“I have renewed mallcom.info on May 12, 2020 for 5 years but in Net 4 India Limited it is showing in process. I have send an email to their support but didn't find any response. <b>Now I am not able to access mallcom.info domain in my Net4 portal and unable to generate Auth code also.”</b></i>
18 2021	March	(01018496)	<i>“The domain provider called Net4India is now bankrupt and several domains including that of my company have been inaccessible due to this. <b>I cannot access my emails anymore and cannot publish my website either. Please help me as this is taking a severe toll on my family business.”</b></i>
19 2021	March	(01018794)	<i>“We have Registered our domain name yeahmobile.asia in Net4india ISP, they have charged us for renew, but renewal not happen and, Now they into bankrupted, so we are planning transfer domain to another service provider. Pls assit us to take back the domain.”</i>

20 2021	March (01018925)	<p><i>“I have all the required documents and login credentials for my domain. I am able to login to Net 4 India Limited admin panel but whenever I try to transfer my domain it doesn't send auth code to my mail id.</i></p> <p><i>My details registered with the domain are as follow:</i></p> <p><i>[R] Registrant</i></p> <p><i>Address: [[REDACTED]</i></p> <p><i><b>I did not receive any auth code email from them. I tried to contact them but no replies. I have tried to call them but number provided on the website isn't working. No one picking the number mentioned for other branches are also. Thier website net4.com.</b></i></p> <p><i>Please help me transfer this domain to godaddy account.”</i></p>
20 2021	March (1018952)	<p><i>“Net 4 India Limited has Shut Down and <b>they not processing any Transfer Requests or even Replying to our emails!</b>”</i></p>

- e) Apart from the above, I wish to place on record:
- (i) Details of the new complaints (with personal identifying information of the complainants being redacted, as necessary) received by the Contractual Compliance Department of ICANN from customers of the Corporate Debtor for the period 13 March 2021 to 21 March 2021. This is hereby annexed as **Annexure A**; and
  - (ii) Details of the new complaints (with personal identifying information of the complainants being redacted, as necessary) received by the Global Support Division of ICANN from customers of the Corporate Debtor for the period March 13 March 2021 to 21 March 2021, which is hereby annexed as **Annexure B**.
4. I submit that the Corporate Debtor's customers, Internet users worldwide, and ICANN continue to suffer from the breaches and non-compliances committed by the Corporate Debtor, which remain unremedied as on date. In particular, the above facts illustrate the gravity of the matter and the serious public harm caused, requiring the urgent intervention of this Hon'ble Tribunal.

5. In light of the same, and in furtherance of the ICANN's Objections and Written Submission(s), I pray that this Hon'ble Tribunal reject I.A. No. 1228 of 2021 filed by Applicant.

**DEPONENT**

A handwritten signature in black ink, appearing to read "James W. Hedlund". The signature is written in a cursive style with a large initial "J".

23 March 2021, Washington, D.C., USA

**VERIFICATION**

I, James W. Hedlund, Senior Vice President, Contractual Compliance and Managing Director – Washington, D.C. office of the Internet Corporation for Assigned Names and Numbers, aged about 56 years, having my offices at Washington, D.C., USA, am an authorized representative of the Respondent No.1 herein, do hereby solemnly affirm and state that the contents of the above Affidavit are true and correct to the best of my knowledge and information available with Respondent No.1.

**DEPONENT**

A handwritten signature in black ink, appearing to read "James W. Hedlund". The signature is written in a cursive style with a large initial "J".

23 March 2021, Washington, D.C., USA