

\$~44

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 279/2025**

M/S MITTAL ELECTRONICS Plaintiff

Through: Mr. Pravin Anand, Mr. Shobhit
Agarwal and Mr. Prajjawal,
Advocates

versus

M/S KEI ELECTRICALS AND ELECTRONICS Defendant

Through: None

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **28.03.2025**

I.A. 8191/2025- Pre-institution mediation

1. *Vide* the present application filed under *Section 12A* of the Commercial Courts Act, 2015, read with *Section 151* of the Code of Civil Procedure, 1908 ('CPC'), the plaintiff seeks exemption from pre-litigation mediation.

2. Considering the averments made in the present application, as also since the plaintiff is simultaneously seeking *ex parte ad interim* injunction, and in view of the order passed by the Hon'ble Supreme Court in *Yamini Manohar v. T.K.D. Krithi* 2024 (5) SCC 815, which has been followed by a Division Bench this Court in *Chandra Kishore Chaurasia v. R. A. Perfumery Works Private Limited* 2022:DHC:4454-DB, the plaintiff is exempted from instituting pre-litigation mediation.

3. Accordingly, the present application stands disposed of.

I.A. 8190/2025-Exp

4. Exemption allowed, subject to all just exceptions.

5. The application stands disposed of.

I.A. 8189/2025-Addl.doc.

6. *Vide* the present application filed under *Order XI Rule 1(4)* read with *Section 151* of the CPC, the plaintiff seeks leave of this Court to file additional documents.

7. The plaintiff will be at liberty to file additional documents at a later stage, *albeit*, after initiating appropriate steps, strictly as per the provisions of the Commercial Courts Act, 2015 read with *Section 151* of the CPC and the Delhi High Court (Original Side) Rules, 2018.

8. Accordingly, the present application stands disposed of.

CS(COMM) 279/2025

9. The plaintiff seeks a decree of permanent injunction and damages for infringement and passing off of its registered trademark under the Trade Marks Act, 1999 (**'Act of 1999'**) against the defendant herein.

10. Let the plaint be registered as a suit.

11. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes returnable before the Joint Registrar on 13.08.2025.

12. Needless to say, it shall be specified in the summons that the written statement(s) shall be filed by each of the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) shall be accompanied by affidavit(s) of admission/ denial of documents of the plaintiff, without which the written statement(s) shall not be taken on record.

13. Replication(s) thereto, if any, be filed by the plaintiff within a period of *fifteen days* from the date of receipt of written statement(s). The


said replication(s), if any, shall also be accompanied by affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

14. If, and when, any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

15. List before the Joint Registrar for marking exhibits of documents on 13.08.2025. It is made clear that if any party unjustifiably denies any document(s), then such party would be liable to be burdened with costs.

I.A. 8188/2025-O XXXIX Rule 1&2 CPC ad interim injunction

16. By virtue of the present application under *Order XXXIX Rules 1 and 2* of the CPC, the plaintiff seeks to restrain the defendant and all persons acting for or on his behalf from using or dealing in any goods under the

impugned mark 'SUJATA'/ , or any other mark which is identical/ deceptively similar to the registered and well-known

trademark of the plaintiff/



17. As per pleadings before this Court and arguments addressed in support thereof by the learned counsel for plaintiff, the case of the plaintiff is as under:-

17.1. The plaintiff is a partnership firm engaged in the business of manufacturing, marketing and sale of various electrical products and home

appliances such as juicer, mixer, grinder, heating/ cooling appliances, etc. since the year 1979-1980.

17.2. The above operations were initiated by the plaintiff's predecessor, and have since been carried out under the registered and well-known trademark 'SUJATA' which has become a prominent household name and acquired leadership status in the range of products it sells. The same have been transferred to the plaintiff from its predecessor.

17.3. The plaintiff has obtained numerous trademarks for 'SUJATA' and its variations, such as 'SUJATA Harrier', 'SUJATA Autumn Breeze', 'Sujata Woosh', etc. in a variety of Class(es), being 07, 08, 09, 11 and 35 of the Act of 1999, full details of which are given in *para 8* of the present plaint.

17.4. In addition to being registered trademarks, the logos/ labels encompassing all variants of 'SUJATA' are also original artistic works of the plaintiff as per the Copyright Act, 1957.

17.5. The plaintiff has a strong distribution network, not only pan-India, but also in Afghanistan and the UAE where it has gained repute. The plaintiff's popularity and goodwill is also evidenced by its turnover, which has increased to more than *Rs.500 crores* in the year 2023-24. The year-wise details of the plaintiff's domestic and export sales are reproduced in *para 11* of the present plaint.

17.6. The plaintiff has spent a substantial amount of money over the years to advertise and promote its products under the trademark 'SUJATA' in various newspapers, magazines, trade fares, etc., even engaging Bollywood celebrities for the purpose, the most recent expenses amounting to *Rs.41,69,11,000/-* in the year 2023-24. The year-wise details

of the plaintiff's advertising expenses are reproduced in *para 12* of the present plaint.

17.7. The plaintiff has further purchased *thirty-six* globally accessible domain names to promote its product and to prevent any squatting over deceptively similar names. The complete list of such domain names is given in *para 13* of the present plaint.

17.8. The plaintiff has been vigilant in protecting its statutory and proprietary rights in its trademarks and filed as many as *seven* cases against infringers. A list of all such cases is given in *para 16* of the present plaint.

17.9. The plaintiff first came to know about the defendant's use of the impugned mark 'SUJATA' in March 2025 through a video posted on the website YouTube, on the URL www.youtube.com/shorts/ntAFnUn4YPE, wherein a third party appeared to be sharing instructions on installation of an electric meter in Nepali language.

17.10. The plaintiff obtained more information qua the impugned mark and its usage through a business associate posted in Nepal and discovered the ISI mark and license number of the impugned product as below:





17.11. The plaintiff deduced the identity of the defendant by extracting information qua the aforesaid license number through the website of the Bureau of Indian Standards, which listed the licensee as *Kei Electricals and Electronics* and hence the suit has been filed against the same.

17.12. The impugned mark used by the defendant is identical to the trademark of the plaintiff, and is evidently being exported to Nepal, thus

the extent of the defendant exploiting the goodwill of the plaintiff is massive.

18. This Court has heard the submissions of the learned counsel for the plaintiff and perused the pleadings and documents on record.

19. The comparative table of the registered trademark of the plaintiff and the impugned mark of the defendant is as under:-

Registered trademark of plaintiff	Impugned mark of defendant
	

20. *Prima facie*, the above trademark of the plaintiff and the impugned mark of the defendant are *identically similar* in all respects with each other and there is/ are hardly any, in fact no such, visible difference(s) *inter se* the two to the naked eye of a common layman on the street of any kind. Interestingly, the defendant has used the very same mark, very same font, very same colour combination, the very same style of writing as also the very same logo of the Star on the right in the impugned mark as that of the plaintiff.

21. Unless pointedly told, it is not possible for anyone, much less the common layman on the street to infer and/ or decipher if the two marks are coming from two separate houses. All the aforesaid coupled with the fact that the defendant is also manufacturing, offering and selling the very same products as that of the plaintiff and is operating using the same trade channels and is targeting the same class of purchasers, reflect and lead to the conclusion that that the defendant has deliberately and with *mala fides* chosen to do so. Under the facts herein, this Court can safely conclude that

the defendant has chosen to do so with a clear view to come as close as possible to the plaintiff and give an overall impression to the general public and also to the members of the trade as also, by all means, to take advantage of the already well-established reputation and goodwill of the plaintiff associated with its aforesaid registered trademark. More so to, in all possible manners, confuse the common layman on the street into believing that the defendant is and its products offered and sold under the impugned mark, which is identically similar to that of the plaintiff in all respects, are emanating from the house of the plaintiff itself.

22. These are all clear acts of violation of the rights of the plaintiff and if permitted to continue, the same shall erode the well-established goodwill and reputation of the plaintiff.

23. In view of the above, as also considering the investments made by the plaintiff in building a reputation for their registered trademark and the likelihood of confusion arising out of the identical impugned mark, the *balance of convenience* and probabilities heavily tilt in favour of the plaintiff for grant of an *ex parte ad interim* injunction in its favour and against the defendant. Therefore, under the existing circumstances, the plaintiff has been successful in making out a *prima facie* case that allowing the defendant to continue using the impugned mark would cause *irreparable harm, loss and injury* to the plaintiff.


24. Accordingly, till the next date of hearing, the defendant, and all those acting on their behalf are hereby restrained from using or dealing in

any goods under the impugned mark 'SUJATA' /



.or

any other trade name/ mark which is identical or deceptively and/ or confusingly similar or encompasses the plaintiff's registered trademark

'SUJATA'/ , in any manner whatsoever till the next date of hearing.

25. Upon filing of process fee, issue notice to the defendants through all permissible modes, including through email, returnable before this Court on 28.07.2025.

26. Reply be filed within *eight weeks* with advance copy to counsel for plaintiff. Rejoinder thereto, if any, be filed on or before the next date of hearing.

27. The provisions of *Order XXXIX Rule 3* of the CPC be complied with within *one week*.

28. List before this Court on 28.07.2025.

SAURABH BANERJEE, J

MARCH 28, 2025/So