



IN THE COURT OF SH. DEVENDRA KUMAR SHARMA
DISTRICT JUDGE (COMMERCIAL COURT)-03: CENTRAL :
TIS HAZARI COURTS (EXTENSION BLOCK) : DELHI.

CS (COMM) No. 33/2026

In the matter of :-

Surya Roshni Limited

....Plaintiff

Versus

Maddi Ramiah Kutati

.....Defendant

ORDER
24.04.2026

1. By this order I shall dispose off an application under Order XXXIX Rule 1 & 2 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as CPC), filed on behalf of the Plaintiff.

2. Succinctly stated facts of the case as set out in the plaint/application are that the Plaintiff has filed the present suit for the relief of Permanent Injunction for restraining infringement of Trademark, Copyright, Passing Off, Unfair Trade Competition, Rendition of Account, Damages, Delivery-Up etc. against the Defendant.

3. It has been further averred that the Plaintiff Company was incorporated as Parkash Tubes Private Limited on 17th October 1973, as private limited company and converted into Public Limited Company on 15th November, 1973 and renamed Parkash Tubes Limited. Mr. Ambrish Kumar Srivastava, being Constituted Attorney of the Plaintiff company is duly authorized to sign and verify pleadings and institute the present suit on behalf of Plaintiff.

4. It has been further averred that the Plaintiff Company is engaged in the business of manufacturing of ERW Steel Pipes and Tubes (both black and galvanized), aluminum alloys, welding heads, GLS lamps, fluorescent tubes, tubular glass shells, and related products. It has been further averred that on 9th October 1990, the plaintiff company underwent a name change from Parkash Tubes Limited to Surya Roshni Limited, with a fresh Certificate of Incorporation issued by the Registrar of Companies, Delhi and Haryana, on 14th December 1990.

5. It has been further averred that since its inception, the Plaintiff Company has established itself as a leading conglomerate in the steel industry and the second largest player in the lighting sector. It has been further averred that the products of its Electrical and Lighting Division are marketed under the brand name '**SURYA**'. The major accomplishments of the plaintiff company are given in para 8 of the plaint.

6. It has been further averred that plaintiff company throughout India is engaged in the business of manufacturing and

marketing a wide range of products, inter alia, Home appliances and equipment's like Mixer, Grinder, Juicer, Glass Cooktop/ LPG Gas stoves, Induction Cooktops, Sandwich Maker, Toaster, Griller, Brewing, Electric Kettle, Steam Iron, Dry Iron etc., Heating Appliances like Storage Water Heater, Instant Water Heater, Immersion Water Heater etc., Climate Control Equipment's like Oil Filled Radiator, Halogen Heater, Quartz Heater, Heat Convector, Ceramic Heater, Air Coolers etc., Electricals Wires, Electricals Cables, LED lamps, LED Fittings, LED Downlighter, LED strips, Street & Flood lights, FTL Fitting & Ballast, Irons, Torches & Lantern, Extension Board, Holder, Immersion Heater, CFL, FTL, GLS etc., Professional Lighting products like Indoor lighting, Industrial Lighting, Roadway Lighting, Flood Lighting, Landscape Lighting, Solar Lighting and their accessories, HID Lamps, High Mast & Poles, Electric Fans like Ceiling fan, Table fan, Wall fan, Pedestal fan, Domestic Exhaust fan, Heavy duty Exhaust fan, etc., Steel pipes & CR Strips, PVC pipes & fittings, which are products and accessories of the highest quality.

7. It has been further averred that the plaintiff has launched extensive advertising and promotional campaigns incurring huge expenses, over that past few decades, to strengthen the impression of the trade mark '**SURYA**' in the minds of the consumers at large and as a result of such extensive use and promotional campaigns, backed by aggressive marketing, the trade mark '**SURYA**' has acquired a high level of distinctiveness. It has been further averred that on account of long and continuous use, extensive marketing and sales campaign

throughout India distribution network, enormous sales and painstaking quality control, the electrical and lightning goods sold under the trademark '**SURYA**' has acquired enviable goodwill and reputation amongst the members of the trade and public at large as a "well known" brand which now symbolizes, distinguishes, signifies, connotes and denotes the source and origin as well as high quality of products manufactured and sold by the Plaintiff.

8. It has been further averred that due to the success of its products, they are widely recognized all over the India and abroad. It has been further averred that due to the maintenance of exacting and constant high standards of quality and effectiveness, Plaintiff's goods have the distinction of being best known and popular products. Moreover, '**SURYA**' being the umbrella brand of the Plaintiff, has become a source identifier for the Plaintiff and its group of companies. It has been further averred that the Plaintiff has created a pan-India presence with over 3,00,000 retail outlets, 300+ RTF and 2,500+ DSPs and the '**SURYA**' mark is a valuable asset to the Plaintiff business given the immeasurable reputation and goodwill amongst the purchasing public. The Revenue figures and Advertisement & Promotional Expenses for the Financial Year 2018-19 to 2024-25 indicating the goodwill and reputation earned by the plaintiff company are detailed in para 13 of the plaint.

9. It has been further averred that Plaintiff is the Registered Proprietor of trademark '**SURYA**' and '**SURYA**' formative marks. Some of Plaintiffs registrations for the trade

mark ‘**SURYA**’ and ‘**SURYA**’ formative marks in Class 9, 11 and 35 (which is the concerned trademark class for Plaintiff and Defendants identical goods and services) are detailed in para 14 of the plaint. It has been further averred that the registered trademarks of plaintiff have been renewed from time to time and are valid and subsisting and have full legal force. It has been further averred that there are no disclaimers imposed on the mark and that the mark stands renewed and that the Plaintiff Company has not given any licenses, assignments or grant to any person or entity of its trademarks. It has been further averred that the Plaintiff also have applied for the Trademark for its sub-brand specific for the wires and cables under the brand 'TURBO FLEX' & 'TURBO FLEX GREEN', which is under Formality Check Pass. It has been further averred that Legal Proceeding Certificates (LPCs) have been applied for trademarks at Sr. No. 3, 4, 7, 10, 11, 18, 33 and 36 of the said table and TM-M form filed for LPCs and its payment receipt have been annexed with the plaint.

10. It has been further averred that the Plaintiff Company also holds various copyright registrations for the ‘**SURYA**’ formative marks/labels which was specifically designed and the said artistic style being an unique work stands registered under the Copyright Act, 1957 and few of the copyright registrations relevant to the present case, are detailed in para 15 of the plaint and copies thereof are annexed with the plaint.

11. It has been further averred that the Plaintiff has been extensively advertising its products under the mark ‘**SURYA**’

through various printed media including newspapers, magazines and trade journals, leaflets and other promotional literature and the said materials are being extensively distributed all throughout India for several years now. It has been further averred that some of the famous Bollywood Celebrities were appointed by the Plaintiff to promote its brand name '**SURYA**' and in IPL 2019, Plaintiff Company joined forces with the team *Rajasthan Royals*, where '**SURYA**' brand name had been prominently placed at the back of team jersey. It has been further averred that Plaintiff Company rolled out a new advertising campaign with theme "*Surya - Sabko Mood Mein Le Aaye*" featuring famous singer and composer, Mr. Shankar Mahadevan.

12. It has been further submitted that '**SURYA**' has been used extensively by plaintiff and their affiliates in respect of all its products since past several decades and is thus, identified and distinguished with the Plaintiff's goods and no one else. It has been further averred that the very depiction of the aforesaid mark connotes and denotes the Plaintiff's products and the trade and consumers recognize the logo mark of plaintiff as source identifier of the Plaintiff Company's products. It has been further averred that any use of the said distinctive logo mark by any other person, without the express permission of the Plaintiff Company, in any manner whatsoever, tantamounts to misrepresentation and confusion in the eyes of the gullible consumers. It has been further averred that the purchasers of the Plaintiff products, bearing its distinctive logo/word mark '**SURYA**', include men, women and children of all age groups thereby covering all segments of the society at large and

therefore, any use of the said mark by anyone without the authorization of the Plaintiff Company would amount to violation of the Plaintiff's intellectual property rights in the said mark.

13. It has been further averred that the Defendants are openly engaged in the business of manufacturing, marketing, advertising and/or trading of Electrical Wires and Cables (hereinafter referred to as the 'impugned goods and services') under the impugned trade mark "SURYA" along with the device

mark/label/logo 'SURYA CAB', , & 'SURYA CAB' and the Defendants are infringing the Plaintiff registered trademarks/trade name/copyright 'SURYA' / 'SURYA' by using the identical trademarks as those of the Plaintiff.

14. It has been further averred that on 25/11/2025, the Plaintiff first came across M/s. Safety Power Wires & Cables (Defendant No. 1 herein) through its official website www.suryawirecables.com, wherein impugned products under

the impugned mark 'SURYA CAB', 'SURYA CAB', ,

& 'SURYA CAB' were being promoted and/or offered for sale by Defendant No. 1. It has been further averred that in order to verify the sale/listing of such products on other e-commerce websites, the Plaintiffs team conducted an online search, which led to the discovery of the same products being advertised and listed on the website of IndiaMART (Defendant No.2), under the link <https://www.mdiamart.com/safetypowerwirecables/> and over

the website of JustDIAL (Defendant No.3), under the link <https://jsdl.in/DT-28CCHX9MWIK>. The above links show commercial promotion of the impugned products under the

marks ‘SURYA CAB’, ‘**SURYA CAB**’,  & ‘’, promoted through the e-commerce platforms & provided by Defendant No. 2 & 3, thereby facilitating the advertisement and sale of the infringing goods. It has been further averred that the said marks found to be identical and/or deceptively similar to the Plaintiffs well-known and registered trademark ‘SURYA’/ **SURYA**’ and upon this discovery, the Plaintiff promptly activated its investigative team to verify the matter and printouts of the Defendants' online presence depicting the impugned products are annexed with the plaint.

15. It has been further averred that on 02.12.2025, the Plaintiff's investigator visited the defendant's premises i.e. Plot No. 468, Northern Part, B.N Reddy Nagar, Cherlapally, Medchal Malkajgiri, Telangana-500051 where a full-fledged wires and cables manufacturing unit was found to be functioning under the name M/s. Safety Power Wires & Cables, displaying GSTIN: 36EKEPK4821D1ZE. It has been further averred that inside the said premises, electrical products such as wires and cables were being manufactured and packed under the impugned marks

‘SURYA CAB’, ‘**SURYA CAB**’,  & ‘’ along with certain other marks. It has been further averred that the investigator met Mr. Maddi Ramaiah Kutati, who personally showed samples of wires and cables under the impugned brand

and confirmed business activities under the said mark. The Printouts of the Defendant's GST registration details obtained from the official GST portal are annexed with the plaint.

16. It has been further averred that during the said visit, the investigator purchased one 1.0 SQMM and one 1.5 SQMM electric wire under the impugned brand 'SURYA CAB', 'SURYA CAB', & 'SURYA CAB' by making a UPI

payment of Rs.3,082/- to SAFETY POWER WIRES & CABLES (UPI transaction ID: 533661593083). It has been further averred that the purchase was invoiced in the name of M/s. Safety Power Wires & Cables and the owner further provided a quotation for specific quantities of the product along with his contact numbers (+91-9666508657, +91-7842486491) for future orders. The photographs of the manufacturing premises, purchased samples, invoice, UPI payment receipt and quotation under the impugned marks are annexed with the plaint.

17. It has been further averred that from the field investigation and online findings, it is evident that Defendant No.1 is actively involved in the manufacturing, packaging, marketing, promotion, and sale of Electrical Wires and Cables bearing the impugned marks 'SURYA CAB', 'SURYA CAB',

'SURYA CAB' & 'SURYA CAB' which are identical and/or deceptively similar to the Plaintiffs registered and well-known trademark 'SURYA' / 'SURYA' through both online and offline channels, including through the e-commerce platforms of Defendant No. 2

& 3. It has been further averred that the Defendants are using the impugned marks in relation to goods that are identical to those manufactured and sold by the Plaintiff. The side-by-side comparison of the Plaintiff's and Defendant's marks as well as photographs of their respective products are given in para 25 of the plaint.

18. It has been further averred that the comparative images of the Defendant's product with that of the Plaintiff's product and Defendant's impugned mark/label with the Plaintiff's Registered trademark/label clearly reflects reflects the blatant subsuming of the Plaintiff's well-known trademark 'SURYA' / '**SURYA**' by the Defendant No.1. It has been further averred that the Defendant No. 1 has evidently derived the mark 'SURYA CAB',

'**SURYA CAB**',  & '' etc. from the Plaintiffs well-known trademark 'SURYA' / '**SURYA**' by merely adding the descriptive word 'CAB' and furthermore, Defendant No. 1 has also copied the same color combination with a similar font, making the impugned marks look-alike and closely resembling the Plaintiffs copyrighted work in its logo/mark

SURYA
EVERY CITY EVERY HOME

along with the foremost mark/word 'SURYA'

making it 'SURYA CAB', '**SURYA CAB**',  & '



It has been further averred that this deliberate imitation has been adopted for identical goods as those of the Plaintiff and as such, the Defendant's actions constitute a clear

case of trademark infringement, copyright infringement, and passing off, by misrepresenting their goods as those of the Plaintiff.

19. It has been further averred that upon close examination of the impugned product, the Plaintiff observed that the packaging bears a Bureau of Indian Standards (BIS) certification mark with CM/L No. 3412341 and upon verification of the said CM/L number on the official BIS website (www.manakonline.in), the Plaintiff discovered that CM/L No. 3412341 is registered in the name of M/s. Fortune Art Wires & Cables Pvt. Ltd. It has been further averred that the current status of the said license is '**CANCELLED**' and despite cancellation, the Defendant No.1 are unlawfully using the said CM/L number on the impugned products of some third party. It has been further averred that the manufacture and sale of electrical wires and cables using a cancelled and invalid BIS license is illegal and poses a serious risk to public safety, clearly endangering the life and safety of plausible consumers.

20. It has been further averred that as per online search conducted by the Plaintiff on the official website of the Trade Marks Registry [www.ipindia.gov.in], it was discovered that Defendant No.1, Maddi Ramaiah Kutati Trading As : Safety Power Wires & Cables, had filed Trademark Application No. 5322972 in Class 09 on 10.02.2022 for the impugned mark '**SURYACAB FR**' (word mark), in respect of '*Cables and wires as covered under Class 9*', on a 'Proposed to be used' basis and the said application was objected by the Trade Marks Registry

vide Examination Report dated 24.03.2022 and later the said application was REFUSED by the Trade Marks Registry vide order dated 24.02.2024. It has been further averred that the Plaintiff further discovered that Defendant No.1 has also filed a trademark application for the registration of the impugned mark



‘**SURYA CAB**’ (device mark) under Application No. 6874147 in Class 9 on 24.02.2025, in respect of 'Wires and Cables' on 'Proposed to be use' basis and the said application is under Formalities Check Pass, which is yet to be examined by the Registrar of Trade Marks. It has been further averred that both the said applications were never accepted or published by the Trade Mark Registry for mandatory four-months publication period for the third-party oppositions, and therefore, the Plaintiff was not aware of the actual commercial use of the impugned mark. It has been further averred that Defendant No. 1 has been using the impugned marks in a trade dress similar to that of the Plaintiff, including the use of red color font and background and upon conducting a comprehensive public search, it was revealed that Defendant No.1 holds no valid trademark registration in respect of the impugned marks ‘**SURYA CAB**’, ‘**SURYA CAB**’,



‘**SURYA CAB**’ & ‘**SURYA CAB**’ filed by the Defendant No.1 in Class 09 for Wires and Cables, despite no valid registrations the Defendant No. 1 using the ® symbols over their impugned mark, and falsely represent the mark as "Registered".

21. It has been further submitted that the adoption of a

logo/trademark deceptively similar/identical to Plaintiff well-known trademark 'SURYA'/'**SURYA**' by any person, including the Defendants, is *mala fide* and cannot be a matter of coincidence and the same is a deliberate and a calculated move of the Defendants aimed at causing misrepresentation and making illegal profits by associating itself with the Plaintiff.

22. It has been further averred that the Defendants have copied the well-known trademarks 'SURYA' / '**SURYA**' which is clearly evident from the Defendant's

Trademark/device 'SURYA CAB', '**SURYA CAB**',  & '

23. It has been further averred that the Defendants have copied the Plaintiff's artistic work in the trademark , which is clearly evident from their representation of the impugned mark/logo '**SURYA CAB**', as applied on their products and a comparison of the look-a-like with Plaintiff's registered artistic work. It has been further averred that the Defendants have drawn a similar mark/logo i.e. '**SURYA CAB**', which is identical to the Plaintiff's registered artistic work

and the similarities include the same color combination of the letters "S U R Y A" which bear an identical and/or deceptive resemblance to the Plaintiff's well known and registered artistic work. It has been further averred that the Plaintiff being the owner of its artistic work is exclusively entitled to utilize its artistic work in the manner recognized under Copyrights Act, 1957 whereas the Defendants' brazen copy of Plaintiff's artistic work and use of the same on its products for sale is a violation of Plaintiff's exclusive statutory right and thereby amounts to misuse/infringement of its copyright and in fact, Defendants' brazen acts is also evidence of their malafide and evident attempt to usurp the Plaintiff's intellectual property without any permission/license from the Plaintiff.

24. It has been further averred that the Defendants' adoption of Plaintiff registered trademark 'SURYA' / '**SURYA**' is dishonest and motivated by a desire to usurp the vast reputation and goodwill which is enjoyed by the Plaintiff not only in India but also overseas and the Defendants' unlawful adoption of deceptively similar/ identical marks is calculated to cause loss and injury to the Plaintiff's reputation and business and dilute the distinctiveness of its 'SURYA' / '**SURYA**' branded products and the loss and injury to the Plaintiff's reputation being caused / likely to be caused by such dilution is not capable of being calculated in monetary terms, hence, an immediate order of injunction restraining the Defendants is imperative.

25. It has been further averred that the Plaintiff has successfully established a *prima facie* case in its favour and the

balance of convenience is also in favour of the Plaintiff and against the Defendant. The Plaintiff shall suffer and continue to suffer irreparable loss and injury which can not be compensated in monetary terms unless an immediate order of interim injunction, including an *ex-parte* order, restraining the Defendants from committing the impugned acts of passing off and infringement is passed.

26. Defendant has contested the application by filing a reply. It is stated that no ground for injunction is made out in favour of the plaintiff. On merits, there is denial of all the allegations levelled against the defendant stating that a concocted story has been created in order to make false claim against the defendant. Thus, it has been prayed that the application may kindly be dismissed.

27. I have heard both the parties and perused the record carefully.

28. The law on the point of granting *ex-parte* interim injunction as well as interim injunction is almost identical.

29. In case **Midas Hygiene Industries Pvt. Ltd. Vs. Sudhir Bhatia & Ors. (2004) 3 SCC 90**, it has been held that:-

“in cases of infringement either of Trade Mark and of Copyright normally an injunction must follow. Mere delay in bringing action is not sufficient to defeat grant of injunction in such cases. The grant of injunction also becomes necessary if it prima facie appears that the adoption of the Mark was itself dishonest”.

30. In case **Devagiri Farms Pvt. Ltd. Vs. Sanjay Kapur & Anr** FAO (OS) 247/2014 date of order 01.2.2016 (DHC), in para no.6, 7 and 8, it has been held as under :-

“6.From a perusal of the trade dress adopted by the appellant, which date of adoption is concededly years after the Kapurs did so, it is apparent that the appellant is using the same share of Maroon and Blue colour in the backdrop with a floral design as are the Kapurs; albeit the floral print being different, but with same golden yellow colour. The third shade, being a Green colour, forming the backdrop hue of the third trade dress is also with a floral design; albeit the floral print being different in design as also colour. For the fourth colour used, there is complete identity inasmuch as the same shade of Red without any floral design is used by the appellant.

7. Tested on the well recognized touchstone of the principle of deception, it would be apparent to the naked eye that any purchaser of tea with the usual imperfect recollection to which all humans are prone to, would be deceived when she comes across the tea packaged by the appellant.

8. It is the overall get up and similarity which has to be seen and not the minor variations because it is similarity which strikes and not the dissimilarities which distinguish when an ordinary person recollects an object seen in the past.”

31. During the course of arguments, it has been submitted on behalf of the plaintiff that during the local inspection, an undertaking was given on behalf of the deffendant that he had no knowledge about the infringement of the trademark of the plaintiff and he has undertaken not to repeat it in future. Ld.

counsel for the defendant also submits that said undertaking may be taken into consideration.

32. Earlier at the time of arguments on ex-parte interim injunction, Ld. Counsel also produced the products/electric wire purchased by the investigator of the plaintiff from defendant no.1 as well as plaintiff's products. Even cursory examination of both the products is sufficient to hold *prima-facie* that Defendant No.1 is infringing the Plaintiff registered trade mark 'SURYA' / '**SURYA**'. From the documents and the material placed on the record, it is clearly indicated that the Plaintiff is the Registered proprietor of trademark 'SURYA' / '**SURYA**' and formative marks in Class 9, 11 & 35, as detailed in para 14 of the plaint, and that the Defendant No.1 is using an identical/deceptively

similar marks/logo 'SURYA CAB', '**SURYA CAB**',  &  as that of plaintiff which tend to lead to deception amongst the purchasing public and the trade that such products are connected or otherwise related to the Plaintiff. Further the product of defendant No.1 is being marketed/advertised through defendants No.2 and defendant No.3.

33. Keeping in view the aforesaid facts and circumstances and as to what has been held by the Hon'ble Supreme Court in **Midas's case (Supra)** and as to what has been held by the Hon'ble Delhi High Court in **Devagiri Farms's case (Supra)** and in view of the submissions made on behalf of the Plaintiff, in the circumstances, the Plaintiff has succeeded in making out a *prima*

facie case for the grant of an interim injunction. The balance of convenience is also in favour of an interim relief being granted to plaintiff. This Court is of the opinion that the Plaintiff would suffer irreparable loss and prejudice in the absence of an interim injunction. Consequently, I grant interim injunction and order that during the pending proceedings, the Defendant No.1 by himself/itself as well as through its agents, representatives, distributors, assigns, heirs, successors, stockists and all others acting for and on his/its behalf is restrained from manufacturing, marketing, printing, using, selling, soliciting, importing, exporting, displaying, distributing, advertising or in any manner dealing as a trademark or trade name or business name including companies name or selling/soliciting through online platforms including websites e-commerce portals or domain name www.suryawirecables.com or any other domain containing the word '**SURYA**' which may be identical with and/or deceptively similar to the Plaintiff marks '**SURYA**' / '**SURYA**' in relation to the electrical goods including but not limited to Electric Wire and Cables thereof and other allied and cognate products under the

impugned marks '**SURYA CAB**', '**SURYA CAB**', , & '



or any other mark either in the market or over the internet, and from doing any other acts or deeds amounting to or likely to infringement of plaintiff registered trademark/ trade name/ device/ label '**SURYA**' / '**SURYA**' formative marks; infringement of Plaintiff's registered copyright on trademarks '



and passing off.

34. In view of the above, plaintiff's application under Order XXXIX Rule 1&2 r/w Section 151 of CPC stands allowed.

35. Nothing discussed hereinabove shall have any bearing on the merits of the case.

*Dictated and announced
in the open Court
on 24th April, 2026.*

(DEVENDRA KUMAR SHARMA)
District Judge (Commercial Court-03)
Central, Tis Hazari Courts, Delhi.