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

+ **CS(COMM) 58/2026**

STERLING AGRO INDUSTRIES LTD

.....Plaintiff

Through: Ms. Swati Shrama, Mr. Revanta
Mathur, Mr. Pundreek Dwivedi and
Ms. Anoushka Chauhan, Advocates.

versus

GIRIRAJ GUPTA

.....Defendant

Through: None

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **21.01.2026**

I.A. 1676/2026 (Additional Documents)

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ("CPC") as applicable to Commercial Suits under the Commercial Courts Act, 2015 ("CC Act") seeking leave to place on record additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018 within thirty (30) days.
3. Accordingly, the application stands disposed of.

I.A. 1677/2026 (Exemption from filing Dim Copies)

4. The present application has been filed on behalf of the plaintiff under Section 151 of the CPC seeking exemption from filing the dim/typed copies of the documents.
5. Exemption is allowed, subject to all just exceptions.

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6. The clear, original, certified, typed, translated and legible copies of the documents upon which the plaintiff seeks to place reliance, be filed within four weeks.

7. The application stands disposed of.

I.A. 1678/2026 (Pre-Institution Mediation)

8. This is an application filed by the plaintiff seeking exemption from instituting Pre-Institution Mediation under Section 12A of the CC Act.

9. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, exemption from the requirement of Pre-Institution Mediation is granted.

10. The application stands disposed of.

I.A. 1675/2026 (Interim Injunction)

11. This is an application filed on behalf of the plaintiff under Order XXXIX Rules 1 and 2 of CPC seeking *ad-interim* injunction against the defendant.

12. The plaintiff is a company incorporated under the Companies Act, 1956 having its registered office at Delhi. Since its incorporation in the year 1991, the plaintiff claims to have established itself as a household name in the India's Dairy product market and is well-known internationally. It boasts of a diverse extensive consumer base including various large institutions, multinational organizations and millions of consumers across the country. The plaintiff claims to be supplying its products under the trademark "NOVA" internationally to over thirty countries. Plaintiff claims to have leading multinational corporations and well-known companies such as Nestle, Parle, Dabur, ITC, Cadbury, Air India to name a few as its institutional consumer/customers. Its products are claimed to be available through a retail chain like



Big Bazar, Reliance, Metro Cash and Carry etc. It also sells products bearing the trademark “NOVA” through Canteen Store Departments, IRCTC, Air India, etc.

13. It owns and operates three world class manufacturing facilities at Malanpur, Madhya Pradesh and Kundli in Haryana and one in Uttar Pradesh. Plaintiff claims to have received several titles and accolades for the outstanding quality and performance of its products including APEDA Export Award 2012-13, GSK Supplier Review NABHA, 2011, APEDA Export Award 2010-11 so on and so forth.

14. Plaintiff claims to have conceived, adopted and started using the mark “NOVA” in 1992 in relation to Ghee. Petitioner states that the mark “NOVA” is arbitrary and inherently distinctive in relation to dairy products possessing no descriptive or generic connotation. Plaintiff claims that the said mark has come to be associated solely with the plaintiff through its continued use and promotion. Some relevant registration enlisted in para 13 of the plaint are enumerated hereunder:

Registration No.	Application Date	Mark	Class	Status
1556252	07/05/2007 (user claimed from 01/03/1992)	NOVA (wordmark)	29	Registered
566187	24/01/1992		29	Registered
1364103	15/06/2005		29	Registered
1556852	07/05/2007	NOVA	29	Registered



1696818	09/06/2008		29	Registered
1696817	09/06/2008		29	Registered
1851324	17/08/2009		29	Registered
2086196	18/01/2011	NOVA LITE	29	Registered
3194912	24/02/2016		29	Registered
3194913	24/02/2016		29	Registered
3343720	23/08/2016	NOVA Premium Butter	29	Registered
2937174	08/04/2015	NOVA GOLD	29	Registered
3374890	28/09/2016		29	Registered



3614473	17/08/2017		29 and 32	Registered
3054717	10/09/2015	NOVA Butter	29	Registered

15. Plaintiff has vigilantly enforced its rights to protect the trademark “NOVA” through opposition proceedings before the Trade Marks Registry resulting in refusal or abandonments of application for marks deceptively similar. On the aforesaid basis, plaintiff claims protection of its statutory rights.

16. Plaintiff also claims to have accumulated common law rights in mark “NOVA” through extensive and widespread use and dedicated investment. The annual turnover and the steady upward growth from the FY 1991-92 to 2024-25 is enlisted in para 16 of the plaint. By the FY 2023-24, the sales in dairy products touched Rs.2136.3905 crores. So far as the investment in promotion and advertisement is concerned, the details are provided in para 17 of the plaint. Plaintiff claims to have promoted its product under the mark “NOVA” through ad-campaign in newspapers including vernacular newspapers; products are mentioned in several articles; promotion of products in social media platforms like Facebook, X.com, Instagram and Youtube. It has registered a website at www.steragro.com which provides all relevant information for its product under the mark “NOVA”. The plaintiff claims to have contributed Rs.10 crores towards Corporate Social Responsibility (CSR) activities in the last decade. Based on the above, the plaintiff claims to have built up an unparalleled goodwill and reputation with respect to the dairy products under the trademark “NOVA”. Plaintiff also refers to its mark “NOVA” being protected by this Court in CS(COMM)148 of 2019, which was decreed on 07.02.2024. Some of the products which contain the



trademarks registered under the Trademarks Act and Copyright under the Copyrights Act are enumerated in para 23, which are reproduced hereunder:



17. The defendant on the other hand, is claimed to have unauthorizedly copied not only the trademarks but also the trade dress of the plaintiff which is identical. Plaintiff claims that the Food Safety Officer (FSO) at Indore on 30.10.2025 also seized the Ghee that was manufactured at the defendant's premises which was tested and found to be sub-standard. Plaintiff states that an FIR bearing no.0839 was lodged before the concerned Police Station in Indore on 25.11.2025 by the Food Safety Officer. The detailed comparative representation of the plaintiff's products, especially ghee with its original packaging and marks and the impugned products of the defendant bearing the plaintiff's mark is reproduced hereunder:

Plaintiff's original products	Impugned products
The printing quality of the original packaging is clear and sharp.	The printing quality of the counterfeit box is dull.
The original packaging has a background holograph with a top golden printed holographic strip.	The background holograph and top golden printed holographic strip are absent in the Impugned Goods.



The NOVA logo and the phrase ' Shudh Ghee' are embossed on the original packaging.	The NOVA logo and 'Shudh Ghee' are not embossed on the Impugned Goods.
The original packaging bears the logo of the supplier of the box package.	Impugned Goods do not bear the logo of the supplier of the box package.
Correct and current corporate office address of the Plaintiff, i.e., '2nd Floor, A-1 0, Sanskrit Bhawan, Qutab Institution Area, Aruna Asaf Ali Marg New Delhi -67', is mentioned on the original packaging.	The Impugned Goods features the old address of the Plaintiff, which was in Pitampura, New Delhi and does not mention the current and correct address of the Plaintiff.
The original packing of ceka box is carried out by automatic machine and both open ends of pouch (top & bottom) are sealed through the machine	The Impugned Goods have a three-sided sealed pre-pouch
In the original packaging, the inner laminate pouch is unprinted & pasted to box through adhesive and on removal on laminate pouch the inner layer of box comes out with the pouch.	In the Impugned Goods, the laminate pouch is printed and separately sealed to put in the box
-	The batch no. UP 49, PKD 05/09/2025 printed on Impugned Goods was originally printed for 5 litre boxes manufactured on 04.06.2025. However, as mentioned above, the Impugned Goods were ceased in October 2025, are 1 litre ceka boxes.

18. Plaintiff states that the defendant has dishonestly and malafidely adopted and used the marks as also the trade dress which are identical to the registered mark “NOVA” and “NOVA” packaging. Plaintiff states that the said action is completely unauthorized, illegal, fraudulent. Plaintiff claims that the “NOVA” mark, the packaging, the trade dress and the general get up unauthorizedly adopted by the defendant with the *malafide* intention to pass off the sub-standard goods of the defendant as that of the plaintiff. The plaintiff states that this unauthorized illegal infringement of the registered trademark and copyright of the plaintiff’s marks would negatively impact the hard earned reputation and goodwill earned by the plaintiff over decades.

19. On that basis, the plaintiff seeks *ex-parte ad-interim* injunction against



the defendant. Plaintiff also seeks direction to defendant for lock and suspending the social media accounts and URLs belonging to it.

20. Having heard learned counsel for the plaintiff and after perusing the plaint and the documents thereto, it appears that, *prima facie*, the acts of infringement by the defendant are evident. Undoubtedly, the parties to the *lis* are in the same or identical trade and business, having a common or identical consumer base which is likely to deceive or confuse the consumers as to the genuineness of the product of the plaintiff. An unwary consumer of average intelligence may be deceived or confused as to the services being availed of are being provided by or on behalf of the plaintiff, which may be detrimental to their goodwill and reputation. Having regard to the fact that the plaintiff's trademark "NOVA" are registered in India and have been in use for a long time, *prima facie*, it appears that the defendant is infringing the registered trademark of the plaintiff and in case an *ex-parte* injunction as sought is not granted and the defendant is not restrained from continuing with the infringing activities, irreparable loss and injury would be caused to the plaintiff, which cannot be adequately compensated in monetary terms. The balance of convenience is tilted in favour of the plaintiff being the owner of registered trademark. Further, if the defendant is not restrained from continuing with the infringement, it would lead to confusion and deception amongst the customers and general public.

21. Having regard to the aforesaid, the following directions are passed:

- i. The defendants and all persons acting for or on their behalf are restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in any manner with any goods or services including but not limited to dairy products including ghee, using the plaintiff's trademark "NOVA" and/or



plaintiff's copyright in the artistic work contained in the "NOVA" packaging and/or any other mark deceptively similar or identical thereto or falsification or the false application of the plaintiff's trademark "NOVA" and counterfeiting of the plaintiff's goods, leading to dilution of the plaintiff's reputation in its trademark or leading to unfair competition, in any manner whatsoever.

ii. The defendants and all persons acting for or on their behalf are directed to disclose by way of an affidavit the quantity of goods manufactured, imported, exported, sold or otherwise distributed by the defendant since the inception of its manufacturing activities, using the plaintiff's trademark "NOVA" and any other mark deceptively similar or identical thereto, and the revenue earned by the defendant through the sale of the goods quantified at para (i) above till the date of filing the present plaint.

22. Issue notice.

23. Let the reply to this application be filed by the defendant within 4 weeks from service and rejoinder, thereto, if any, be filed within 2 weeks thereafter.

24. The compliance of Order XXXIX Rule 3 of the CPC, 1906 be carried out within a week.

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25. In the above circumstances, let the plaint be registered as a suit.

26. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.

27. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file an affidavit of



Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

28. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an affidavit of Admission/Denial of the documents of defendant be filed by the plaintiff, without which the Replication shall not be taken on record.

29. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

30. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

31. Learned counsel for the plaintiff points out that there could be an error in the memo of parties in respect of the defendant's alternate address indicating "6C, Maharganj Main Road, Indore, Madhya Pradesh" which could actually be "60, Maharganj Main Road, Indore, Madhya Pradesh" according to the knowledge that the plaintiff has gained recently.

32. The plaintiff is permitted to file the amended memo of parties within two days from date.

33. List on 23.03.2026 before the Joint Registrar.

34. List on 26.05.2026 before the Court.

TUSHAR RAO GEDELA, J

JANUARY 21, 2026

Yrj/rl