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

+ **CS(COMM) 54/2025 & I.As. 1766/2025, 10612/2025**

MICROTEK INTERNATIONAL PRIVATE LIMITED & ANR.

.....Plaintiffs

Through: Mr. Sandeep Sethi, Ms. Swathi Sukumar, Sr. Advocate and Ms. Swathi Sukumar, Sr. Advocate with Mr. J. V. Abhay, Ms. Apoorva Murli, Ms. Aishwarya Chaturvedi, Ms. Anshika, Mr. Krishna Gambhir and Ms. Shreya Sethi, Advocates

versus

SUBODH GUPTA & ORS.

.....Defendants

Through: Mr. Pranav Jain, Mr. Aroon Menon and Ms. Alisha Luthra, Advocates for D-1, D-2, D-3 and D-6 in person Mr. Jai Sai Deepak, Sr. Advocate with Mr. Ashish Aggarwal, Ms. Ranya Aggarwal and Mr. Nalin Dhingra, Advocates with Mr. N. K. Singhal, AR for D-7 & D-8

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.12.2025**

I.A. 10612/2025 (Under Order XXXIX Rule 2A CPC)

1. This is an application filed on behalf of the plaintiffs under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 ['CPC'].
2. Learned senior counsel appearing on behalf of the defendant nos. 7 and 8 states that the said defendants have taken all necessary steps to ensure due compliance of the consent order dated 28.01.2025. He refers to the additional affidavit dated 11.10.2025.



3. In response, learned senior counsel for the plaintiff states that the aforesaid submission of the defendant nos. 7 and 8 is incorrect.

3.1 He has placed before this Court an affidavit dated 05.12.2025 along with a snapshot downloaded from the website of the defendants, which shows that on the products inverter and the charging station, the defendants are using the subject mark 'M TECH POWER' in a word form and not in the device form as extracted at paragraph 17(ii).

3.2 He states that the Court vide order dated 28.01.2025 had only permitted the defendants at paragraph 17(ii) to use the subject mark in the device form as it is registered. He states that therefore, the use of the mark in the wordform as applied to the inverter and charging station is a violation.

3.3 He further submits that the defendant is fully conscious of this position and, insofar as the plaintiff is aware, the defendant has used the subject mark on all its remaining products in the device form as reflected in paragraph 17(ii). In this regard, he draws this Court's attention to the documents filed by the defendant itself.

4. Learned senior counsel for the defendant nos. 7 and 8 concedes that the form in which the mark has been used on the inverter and the charging station is a wordform and not the device form, in which the mark is registered.

5. In the considered opinion of this Court, the use of the wordmark by the defendants on inverter and charging station in the wordform is contrary to the consent order dated 28.01.2025.

6. The defendants are granted one (1) week's time to ensure that their inverter, charging station, and any other product on which they are aware that the subject mark is used in the wordform, are modified so that the mark



is used only in the device form as depicted in paragraph 17(ii).

7. Though, it is evident from the order that defendant is not entitled to use the wordform; however, one last opportunity is granted to the defendants to rectify the situation and bring all its products and website, brochure etc. in conformity.

8. Learned senior counsel for the defendants state on instructions that it shall take appropriate steps to change the use of the mark 'M TECH POWER' to device form on all its products.

Social media handle

9. Separately, learned senior counsel for the plaintiff states that defendant as its social media handle is using the wordform of 'M TECH POWER'. He states that this is also in violation of the consent order dated 28.01.2025.

9.1 He clarifies that the plaintiff for its social media handles uses the full name of the plaintiff company and the defendants should similarly use their corporate name.

10. This Court has perused the social media handles of the defendant on Facebook, LinkedIn and Instagram.

11. Defendant is directed to ensure that its social media handles are renamed to reflect its corporate name so as to avoid any controversy with respect to the compliance of the order dated 28.01.2025.

12. Learned senior counsel for the defendants state on instructions that it shall take appropriate steps to rename the social media handles.

Website and brochure

13. So also, the defendant will ensure that to the on its website and on brochure, it will only use the subject mark 'M TECH POWER' in the device form as recorded in the order dated 28.01.2025 and not use it in the



wordform.

14. Learned senior counsel for the defendants state on instructions that it will take appropriate steps to amend its website and brochure to ensure that the mark 'M TECH POWER' appears in its device form only.

Communication between the parties

15. The defendant is directed to communicate all steps taken by it to rectify the website, brochure and the use of the subject mark on its products including the inverter and charging stations, to the counsel for the plaintiff within one (1) week.

16. In case, plaintiff has any further/remaining grievance with respect to the use of the subject mark by the defendants in violation of order dated 28.01.2025, it shall communicate the same to the defendants within one (1) week thereafter. And, defendants will take appropriate steps to remain compliant with the consent order dated 28.01.2025.

17. In view of the aforesaid submissions made by the defendants undertaking to take steps to remain compliant with the order dated 28.01.2025, the Directors are exempted from further appearance.

18. List for hearing on the injunction application on **29.01.2026** at the end of the board.

19. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 5, 2025/rhc/AM