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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 54/2025 with I.A. 1766/2025, I.A. 1767/2025 and I.A. 1768/2025

MICROTEK INTERNATIONAL
PRIVATE LIMITED & ANR.

.....Plaintiffs

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. J.V. Abhay, Ms. Apoorva,
Ms. Aishwarya Chaturvedi and Ms.
Aishwarya Mukherjee, Advocates.

versus

SUBODH GUPTA & ORS.

.....Defendants

Through: Mr. Rajiv Nayar, Mr. Jayant K.
Mehta and Mr. Dayan Krishnan,
Senior Advocates with Mr. Annirudh
Sharma, Mr. Arun Menon and Mr. P.
Joshi, Advocates.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
28.01.2025

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I.A. 1768/2025 (u/S 12-A of the Commercial Courts Act, 2015)

1. This application has been filed by the plaintiffs seeking exemption from undergoing pre-institution mediation.
2. Issue notice.
3. Notice is accepted by Mr. Annirudh Sharma, advocate appearing on behalf of the defendants.



4. Reply be filed within four weeks.
5. Rejoinder thereto, if any, be filed within three weeks thereafter.
6. List before the Joint Registrar on 25th March, 2025 for completion of pleadings.
7. List before the Court on 8th May, 2025.

CS(COMM) 54/2025

8. Let the plaint be registered as a suit.
9. Issue summons.
10. Mr. Annirudh Sharma, advocate appearing on behalf of the defendants accepts summons and waives issuance of formal summons.
11. Written statement(s) shall be filed by the defendants within thirty days from today. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.
12. Liberty is given to the plaintiffs to file replications, if any, within thirty days from the receipt of the written statement(s). Along with the replications filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.
13. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
14. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
15. List before the Joint Registrar on 25th March, 2025 for completion of



pleadings and service.

16. List before the Court on 8th May, 2025.

I.A. 1766/2025 (u/O-XXXIX Rules 1 and 2 of CPC)

17. Without prejudice to the rights and contentions of the parties and with the consent of the parties, the following *ad interim* directions are issued:-

- (i) The defendants will use the impugned mark



only in respect of batteries.

- (ii) The defendants are entitled to use the registered trademarks



and



in respect of

existing and future businesses, provided however that the defendants shall not use a colour combination similar to the registered colour combination (blue and red) of the plaintiffs.

- (iii) The defendants shall not use the phrase, “RECOMMENDED BY MICROTEK” in respect of their products or business, on its website, any third party website or in any manner whatsoever.

- (iv) The defendants shall not use ® in respect of the impugned trade



- (v) The plaintiffs shall not use the mark  in respect of any product.



18. The present *ad interim* arrangement would be in place till the interim injunction application is decided.

19. Reply(ies) be filed within four weeks.

20. Rejoinder(s) thereto, if any, be filed three weeks thereafter.

21. List the application for hearing on 8th May, 2025.

I.A. 1767/2025 (u/O-XXVI R-9 & 7 of CPC seeking appointment of a Local Commissioner)

22. The counsel for the plaintiff does not wish to press the present application at this stage.

23. Accordingly, the application stands closed.

AMIT BANSAL, J

JANUARY 28, 2025

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