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

+ CS(COMM) 205/2026

BIBA FASHION LIMITED

.....Plaintiff

Through: Mr. Sidhant Goel, Mr. Mohit Goel,
Mr. Abhishek Kotnala and Mr. Kartikeya Tandon,
Advocates.

versus

M/S THE WHOLESALE BAZAAR AND ANR

....Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **27.02.2026**

I.A. 5553/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 5550/2026 (u/S 149 r/w Section 151 CPC)

3. This application is filed by the Plaintiff seeking extension of time by four weeks for filing the court fees.
4. For the reasons stated in the application, the same is allowed granting four weeks to the Plaintiff to file the requisite court fees.
5. Application stands disposed of.

I.A. 5551/2026 (u/S 151 CPC)

6. This application is filed on behalf of the Plaintiff seeking exemption from effecting advance service on the Defendants.



7. For the reasons stated in the application, the same is allowed exempting the Plaintiff from effecting advance service on the Defendants.

8. Application stands disposed of.

I.A. 5552/2026 (for pre-institution mediation)

9. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.

10. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815*, as also Division Bench of this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiff from Pre-Institution Mediation.

11. Application is allowed and disposed of.

I.A. 5555/2026 (u/O XI Rule 1 (4) of Commercial Courts Act, 2015 r/w Section 151 CPC)

12. This application is filed on behalf of the Plaintiff seeking to place on record additional documents.

13. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

14. Application is allowed and disposed of.

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15. Let plaint be registered as a suit.

16. Upon filing of process fee, issue summons to the Defendants through



all permissible modes, returnable before the learned Joint Registrar on 24.03.2026.

17. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiff.

18. It will be open to the Plaintiff to file replications within 30 days from the date of receipt of written statements along with affidavits of admission/denial of documents filed by the Defendants.

19. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

20. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A. 5549/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

21. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

22. Issue notice to the Defendants through all permissible modes, returnable before Court on 28.04.2026.

23. Case as set out in the plaint is that Plaintiff is a public limited company engaged *inter alia* in the business of manufacturing, marketing and offering for sale women's apparel including suit sets, lehengas, kurtas and tops, dresses, dress materials, short kurtis etc., under its distinctive trade name and registered mark BIBA and its formative marks. Plaintiff was formerly known as BIBA Apparels Private Limited and was thereafter



converted to a public limited company and called BIBA Apparels Limited. The name was subsequently again changed to BIBA Fashion Limited. Plaintiff is a home-grown fashion brand, which was conceived by Ms. Meena Bindra in 1988 and has epitomised, refined ethnic wear in India. Plaintiff enjoys a strong pan India presence along with growing international footprint and is backed by reputed global investors, including Warburg Pincus, which invested approximately INR 1000 crores in the Plaintiff in the year 2013-14. At present, Plaintiff has attained an annual turnover of approximately INR 800 crores.

24. It is stated that Plaintiff operates more than 370 exclusive outlets across close to 80 cities and is present in approximately 275 multi-brand outlets, including leading retail chains such as Shoppers Stop, Lifestyle and internationally, Plaintiff has expanded its operation to UAE, Canada, USA etc. Plaintiff's BIBA word mark is an invented and coined word, not being descriptive of clothing garments, fabrics and ethnic wear. Being inherently distinctive the mark BIBA qualifies as an inventive mark in law and enjoys the highest decree of statutory protection. On account of priority in adoption of the trademark dating back to 1988 coupled with its continuous, extensive and exclusive use for almost four decades across India and internationally, Plaintiff has acquired strong common law rights in the mark and the trade name and the marks have become synonymous with and distinctive of Plaintiff's goods and services, which are recognized for their superlative quality of craftsmanship and excellence. Plaintiff has obtained registrations for the BIBA marks in India in various classes with earliest registration dating back to 1996. The details of registrations are as follows:-



S.No.	Trade mark	Registration No.	Date of application	Class	Status
1.	<u>BIBA</u>	720327	04/11/1996 [User date - 01/01/1986]	25	Registered
2.	 (Device)	1537610	07/03/ 2007 [User date - 01/04/1982]	25	Registered
3.	 (Device)	2554161	25/06/2013	25	Registered
4.	 (Device)	2839634	10/11/2014 [User date - 01/01/1986]	25	Registered
5.	 Heena Binda	2997985	01/07/2015	25	Registered
6.		3011293	15/07/2015 [User date - 26/09/2013]	25	Registered




7.	 BIBA (Device)	4384057	20/12/2019 [User date – 24/08/2018]	25	Registered
8.	 BIBA Girls	5432044	02/05/2022	25	Registered
9.	BIBA (Device)	2554145	25/06/2013	18	Registered
10.	BIBA (word)	1189146	03/04/2003 [User date – 31/12/2001]	14	Registered
11.	 Biba FASHION FUSION (Device)	1537607	07/03/2007 [User date – 01/04/1982]	14	Registered
12.	 BIBA (Device)	4384056	20/12/2019 [User date – 07/09/2017]	14	Registered



13.	BIBA (Device)	2554156	25/06/2013	35	Registered
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25. The registrations are stated to be valid and subsisting and hence, it is stated that Plaintiff has exclusive right to use the BIBA marks and prevent third parties from infringing them by virtue of Section 28 of The Trade Marks Act, 1999 ('1999 Act'). Plaintiff has also secured statutory protection for BIBA marks in several key jurisdictions such as Germany, New Zealand, Canada etc., where the marks are registered in the respective National Intellectual Property Offices, details whereof are furnished in the documents appended to the plaint.

26. It is stated that the original logo of the Plaintiff  was conceived in 1988 as a simple yet distinctive device mark that embodied brand's focus on ethnic wear while simultaneously appealing to modern sensibilities. In April, 2015, as part of comprehensive rebranding strategy, Plaintiff unveiled

a revamped logo ,  designed to appeal to a younger demographic while retaining its deep Indian cultural roots. The new logo draws inspiration from peacock feathers, a traditional motif in Indian culture that symbolises duty and elegance. The typography of the new mark retains a clean and bold aesthetic with soft edges and contours, thereby accentuating the feminine character of the Plaintiff's brand, while ensuring a modern and distinctive visual appeal. Plaintiff operates and maintains its official website under the domain name www.biba.in, which serves as primary online



platform for dissemination of information regarding Plaintiff's products and services. The website was created on 26.05.2014 and prominently showcases Plaintiff's profile, history and product portfolio, thereby functioning as a comprehensive gateway for consumers and members of the trade to access details of Plaintiff's activities and initiatives. It also facilitates e-commerce, enabling interested consumers to directly purchase Plaintiff's clothing material and other allied products online. Plaintiff's clothing products are also available on various third party business portals and e-commerce platforms. As early as in 2002, Plaintiff partnered with Mukta Arts to replicate designer costumes for films such as *Taal*, *Yaadein*, *Pardes* etc. Plaintiff has also designed costumes and garments for renowned Bollywood celebrities such as Preity Zinta, Esha Deol, Kareena Kapoor, Gauahar Khan etc.

27. It is stated that in October, 2012, Plaintiff acquired 51% stake in the label '*Indian by Manish Arora*' marking a significant entry into the premium designer segment, which was followed by launch of '*BIBA by Rohil Bal*' in 2013 featuring embroidery, gold and silver cutwork and Mughal-inspired block prints. Plaintiff maintains an active and extensive presence on several prominent social media platforms with the aim of engaging with its customers and promoting its services such as Facebook, LinkedIn, Pinterest, YouTube and Instagram. Plaintiff has garnered immense following on these platforms and illustratively, official Facebook page of Plaintiff has approximately 929K followers. Through its original, distinctive, unique style, pattern and design, sold and offered under BIBA marks, Plaintiff has amassed substantial goodwill and reputation, which is reflected from the revenues earned in the last 9 Financial Years as follows:-



Financial Year	Revenue from operations (INR Crores - net)
2015-2016	427.77
2016-2017	457.28
2017 -2018	716.78
2018-2019	729.40
2019-2020	757.20
2020-2021	525.82
2021-2022	630.37
2022-2023	872.14
2023-2024	751.07

28. It is stated that Plaintiff has made substantial investments towards advertising, publicity and promotion of its original, distinctive and unique styles and promotional expenditure which encompasses sales promotions, fashion shows, photo shoots, brochures, catalogues and advertising through multiple media channels including print, electronic, digital and social media platforms, all of which enjoy extensive national and international reach. Plaintiff's promotional expenditure in the last 9 years is as follows:-

Financial Year	Advertising & Promotional Expenses (INR in Crores , Net)
2015-2016	24.91
2016-2017	26.22
2017 -2018	29.03
2018-2019	29.46
2019-2020	29.48
2020-2021	22.02
2021-2022	37.01
2022-2023	44.94
2023-2024	41.11



29. It is stated that on account of Plaintiff's popularity in the retail space, there have been numerous instances where infringers have tried to springboard on Plaintiff's reputation by illegally using the BIBA marks or marks deceptively similar and Plaintiff has diligently taken legal actions by filing suits, trademark oppositions, cancellation proceedings and sending cease and desist notices. This Court has in various cases granted *ex parte* ad interim injunctions in favour of the Plaintiff, details of which are furnished in the plaint.

30. It is stated that in the second week of February, 2026, Plaintiff received complaints from its trading partners, pertaining to counterfeit products being sold in Delhi. Plaintiff also came across a YouTube channel <https://www.youtube.com/@wbazaar> being operated and managed by Defendant No.1, wherein Defendant No.1 was openly promoting its services offering BIBA products with other brands from its outlet. On further investigation, it was revealed that Plaintiff's BIBA counterfeit products were being sold by Defendant No. 1 posing as a wholesaler of apparels and clothes at prices of Rs. 199, Rs. 299 and Rs. 399, whereas genuine BIBA products start from an average range of Rs. 2600. This position was confirmed by personal visit of Plaintiff's representative on 12.02.2026 to an outlet in Lajpat Nagar. Fresh investigation led to discovery of many other premises of Defendant No. 2 in Jamia Nagar and Okhla, where Plaintiff's representative found several counterfeit products, which were being openly sold. Comparative of BIBA products and counterfeit products highlighting the differences in quality etc., as also indicating BIBA labels, tags etc., on the counterfeit products is as follows:-



Counterfeit Products	BIBA Products
Article 1	
 	 



Manufactured and Marketed By:
BIBA FASHION LIMITED
 12th & 13th Floor, Capital Cyber Scope,
 Sector 29, Gaf Course Extension Road
 Gurugram - 122102, Haryana, INDIA
 www.biba.in

Product : SALWAR KURTA DUPATTA
 Style : 3020LAWR1R0020202
 Brand Name : BIBA
 Country of Origin : INDIA
 Net Quantity : 01 (KURTA,PAJAZO DUPATTA)

M/L/Plat : FEB 2026 5626
 Size: 50.00 cm Color : AQ1A

M.R.P. : Rs. 5995.00
 (Incl. of All Taxes)

For Any Feedback/Complaint Please Contact Our
 Customer Care Manager Addressed above!
 Or Call us at : 011- 41160005 Or Write us at
 Email id : customercare@bibafashion.com BIBA Size: 32

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Manufactured and Marketed By:
BIBA FASHION LIMITED
 12th & 13th Floor, Capital Cyber Scope,
 Sector 29, Gaf Course Extension Road
 Gurugram - 122102, Haryana, INDIA
 www.biba.in

Product : SALWAR KURTA DUPATTA
 Style : 3020LAWR1R0020202
 Brand Name : BIBA
 Country of Origin : INDIA
 Net Quantity : 01 (KURTA,PAJAZO DUPATTA)

M/L/Plat : FEB 2026 5626
 Size: 50.00 cm Color : AQ1A

M.R.P. : Rs. 5995.00
 (Incl. of All Taxes)

For Any Feedback/Complaint Please Contact Our
 Customer Care Manager Addressed above!
 Or Call us at : 011- 41160005 Or Write us at
 Email id : customercare@bibafashion.com BIBA Size: 32

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- The finishing and stitching are sub-standard and inconsistent with the usual quality of BIBA Products.







- The tag states “*Manufactured and Marketed by BIBA Apparels Private Limited*” which is the erstwhile name of the Plaintiff. It is to be noted that the said tag mentions that the product was manufactured in October 2025, whereas since 2022, the tags attached to the Plaintiff’s Products mention the current name of the Plaintiff i.e. BIBA Fashion Ltd.
- The said Counterfeit Product (which is a three-piece set) was sold at the price of Rs.925/-, which is substantially below the price of Rs.4,999/- for such BIBA Products.
- The brandings and the size sticker and trade dress appears to be exact replicas of the original branding and sticker applied on the BIBA Products.
- The tag on the said product mentions the size 38 while the size tag on the Counterfeit Product mentions size 34.
- The tag on the said Counterfeit Product in the product description mentions that “*Rust Embroidery Anghrakha Festive*” which is incorrect description of the product.

Article 2







	
<p>Manufactured and Marketed By: BIBA FASHION LIMITED 12th & 13th Floor, Capital Cyber Scaps, Sector 58, Golf Course Extension Road Gurgaon- 122102, Haryana, INDIA www.biba.in</p> <p>Product : SALWAR KURTA DUPATTA Style : SHODJAMITHI10020202 Brand Name : BIBA Country of Origin : INDIA Net Quantity : 3N (KURTA, PULAZO, DUPATTA)</p> <p>M/L/Prod. FEB- 2026 3626 Size: 50.00 cm Color: AQUA</p> <p>M.R.P : Rs. 5995.00 (Incl. of All Taxes)</p> <p>For Any Feedback/Complaint Please Contact Our Customer Care Manager Addressed above! Or Call us at : 011- 4119005 Or Write us at Email id : customercare@biba.in</p>  <p>300941901578</p> <p>BIBA Size: 33</p> <p>1 of 2</p>	<p>Manufactured and Marketed By: BIBA FASHION LIMITED 12th & 13th Floor, Capital Cyber Scaps, Sector 58, Golf Course Extension Road Gurgaon- 122102, Haryana, INDIA www.biba.in</p> <p>Product : SALWAR KURTA DUPATTA Style : SHODJAMITHI10020202 Brand Name : BIBA Country of Origin : INDIA Net Quantity : 3N (KURTA, PULAZO, DUPATTA)</p> <p>M/L/Prod. FEB- 2026 3626 Size: 50.00 cm Color: AQUA</p> <p>M.R.P : Rs. 5995.00 (Incl. of All Taxes)</p> <p>For Any Feedback/Complaint Please Contact Our Customer Care Manager Addressed above! Or Call us at : 011- 4119005 Or Write us at Email id : customercare@biba.in</p>  <p>300941901578</p> <p>BIBA Size: 33</p> <p>2 of 2</p>

- The finishing and stitching are sub-standard and inconsistent with the usual quality of BIBA Products.
- The tag states "Manufactured and Marketed by BIBA Apparels Private Limited" which is the erstwhile name of the Plaintiff. It is to be noted that the said tag mentions that the product was manufactured in October 2025, whereas since



2022, the tags attached to the Plaintiff's Products mention the current name of the Plaintiff i.e. BIBA Fashion Ltd.

- The said Counterfeit Product (which is a three-piece set) was sold at the price of Rs.925/-, which is substantially below the price of Rs.4,999/- for such BIBA Products.
- The brandings and the size sticker and trade dress appears to be exact replicas of the original branding and sticker applied on the BIBA Products
- The tag on the said Counterfeit Product in the product description mentions that "Rust Embroidery Anghrakha Festive" which is incorrect description of the product.

31. Learned counsel for the Plaintiff submits that Plaintiff has built an enviable and enormous reputation and goodwill over the last several years owing to its products under the BIBA marks. Defendants are engaged in large scale counterfeiting activities with dishonest and *mala fide* intent, calculated to unlawfully ride upon and exploit the goodwill and reputation associated with the Plaintiff's BIBA marks. There exists a clear likelihood of confusion in the minds of consumers of average intelligence with imperfect recollection, particularly, since the goods are identical, including but not limited to readymade garments, hosiery and fashion wear, such as women's kurtis, shawls and allied apparel falling under Classes 24 and 25. The infringing activities are causing irreparable harm to the Plaintiff and its reputation besides the fact that unsuspecting consumers are being led into purchasing substandard products under the mistaken belief that the goods originate from or are authorized by the Plaintiff. Due to high degree of resemblance of the counterfeit products, the same is likely to cause initial interest confusion; point of sale confusion and post sale confusion, amongst



innocent customers. Inspection of the products purchased by the authorized representative of the Plaintiff shows that counterfeit products are cheap and are low grade replicas of genuine BIBA products and do not comply with stringent quality standards, which the Plaintiff meticulously applies. This is also leading to dilution of Plaintiff's brand and tarnishment of its image. The manner of manufacture, presentation and commercial dealing in counterfeit products unequivocally demonstrates Defendants' dishonest intention to infringe Plaintiff's BIBA marks and violates Plaintiff's statutory rights. Defendants are guilty of trademark infringement under Section 29 of 1999 Act as also copyright infringement since Plaintiff has copyright in its designs. The intent is clearly to pass off the counterfeit products as that of the Plaintiff. In this backdrop, it is urged that *ex parte* ad interim injunction be granted in favour of the Plaintiff.

32. Having heard learned counsel for the Plaintiff and upon perusal of the documents, I am of the view that Plaintiff has made out a *prima facie* for grant of *ex parte* ad interim injunction against Defendants. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

33. Perusal of the documents placed on record *prima facie* show the formidable goodwill and reputation built by the Plaintiff in the BIBA marks under which it has sold goods for several years. Defendants are selling products, which are counterfeit of the genuine products under the BIBA marks and as rightly urged by the counsel for the Plaintiff, there is infringement of the BIBA marks, passing off as also infringement of copyright vested in the Plaintiff. Looking at the quality of the products and the prices at which they are sold by the Defendants, *prima facie* the BIBA



brand is being diluted and there is damage to the reputation and goodwill of the Plaintiff in the eyes of the customers who buy the counterfeit products believing them to have emanated from the house of the Plaintiff. The products are sold under labels carrying the BIBA marks and since the goods are identical with common trade channels and consumers, there is a high probability of confusion amongst unwary customers. It is not only in the interest of the Plaintiff but also in public interest to restrain Defendants from selling counterfeit products.

34. Accordingly, till the next date of hearing, Defendants, their partners, directors, shareholders, employees or proprietors as the case may be, its assigns in business, franchises, affiliates, subsidiaries, licensees and agents are restrained from selling, offering for sale, advertising, directly or indirectly, counterfeit products under the BIBA marks or any mark or device identical or deceptively similar with the BIBA marks, amounting to infringement and/or passing off.

35. It is further directed that Defendants shall take down/remove all representations/references of the infringing marks and counterfeit products including listings of the infringing products from their social media accounts, websites and on any other digital platform.

36. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from the date of execution of the local commission.

I.A. 5554/2026 (u/O XXVI Rules 4, 9 and 10 and Order XXXIX Rule 7 r/w Section 151 of CPC)

37. This application is filed on behalf of the Plaintiff seeking appointment of Local Commissioner.



38. Upon hearing, the application is allowed.

39. Accordingly, Mr. Himanshu Gautam, Advocate (Mobile No.9582620944) is appointed as Local Commissioner, who shall visit the premises as indicated below:-

M/s The Wholesale Bazaar (Defendant No. 1),
9/51, Basement, Vikram Vihar,
Near Mahindra Showroom,
Lajpat Nagar-4, Delhi-110024,
E-mail: thewbazaar@gmail.com,
Mob. Nos. 9891265291, 9355204203.

40. Local Commissioner shall visit the aforesaid premises and make an inventory, seize and take into possession/custody products, boxes, films, labels, literature, dyes, packaging material, stationery etc. bearing the infringing marks or any other mark identical/deceptively similar to the BIBA marks. Local Commissioner shall inspect and seize the books of accounts, ledgers and stock registers relating to sale of the offending goods.

41. The material seized and taken into custody by the Local Commissioner shall be handed over on *superdari* to the Defendants upon an undertaking that the same shall be produced as and when required by the Court.

42. Local Commissioner along with the representative of the Plaintiff and/or counsel shall be permitted to enter the aforesaid premises by the Defendants. In case of any obstruction in execution of the commission, Local Commissioner will be at liberty to take assistance of SHO of the concerned police station, who on being contacted shall render complete assistance and cooperation. In case the premises are found locked, Local Commissioner will be at liberty to break open the locks.



43. Plaintiff shall serve a copy of this order upon the Defendants along with paper book of the suit at the time of execution of the commission.
44. Fee of the Local Commissioner is fixed at Rs. 1,50,000/- in addition to other miscellaneous out-of-pocket expenses. Fee of the Local Commissioner shall be paid in advance by the Plaintiff.
45. Report shall be filed by the Local Commissioner within two weeks from the date of execution of the commission and Registry shall be informed of the execution of commission and the filing of the report, only after which summons will be issued to the Defendants.
46. Application is disposed of.
47. This order will not be uploaded on the website of this Court till execution of the Commission by the Local Commissioner.
48. Copy of the order be given *dasti* under signatures of the Court Master.

JYOTI SINGH, J

FEBRUARY 27, 2026

S.Sharma