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

+ **CS(COMM) 318/2026**

**SANDEN CORPORATION**

.....Plaintiff

Through: Mr. Rahul Chaudhry, Ms. Ekta Sarin,  
Mr. Gautam Kumar, Mr. Siddharth Raj  
Choudhary, Advocates.

versus

**SANDEN OIL PRIVATE LIMITED & ORS.**

.....Defendants

Through: None

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

% **25.03.2026**

**I.A. 8043/2026 (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. 8042/2026 (Pre-Institution Mediation)**

4. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.

5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*: (2024) 5 SCC 815, exemption from the requirement of pre-institution



Mediation is granted.

6. The application stands disposed of.

**I.A. 8044/2026 (Exemption)**

7. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing original/certified documents along with the captioned suit.

8. Exemption allowed, subject to just exceptions. However, original/certified documents with proper margins be filed within four weeks with an advance copy to the defendants.

9. The application stands disposed of.

**I.A. 8045/2026 (Exemption)**

10. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing documents with margin of 4 cms on left side of documents and exemption from filing the typed copies of dim annexures, if any, along with the captioned suit.

11. Exemption allowed, subject to just exceptions. However, true typed and clear copies of the documents with proper margins be filed within four weeks with an advance copy to the defendants.

12. The application stands disposed of.

**I.A. 8046/2026 (Exemption)**

13. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing translated copies of the documents not in English language along with the captioned suit.

14. Exemption allowed, subject to just exceptions. However, true typed and translated copies of the documents with proper margins be filed within four weeks with an advance copy to the defendants.

15. The application stands disposed of.

**I.A. 8047/2026 (Seeking permission to file pen drive/compact disc as a**



**part of the documents)**

16. This is an application filed by the plaintiff under Section 151 of the Code of Civil Procedure, 1908 for filing of a compact disc/pen-drive as a part of the documents filed with the suit.

17. For the reasons stated therein, the present application is allowed.

18. The plaintiff is permitted to file the compact disc/pen-drive as part of the documents within four weeks.

19. The application stands disposed of.

**I.A. 8048/2026 (Exemption from Advance Notice to Defendants)**

20. This is an application filed by the plaintiff under Section 151 of CPC seeking exemption from advance service to the defendants.

21. Mr. Rahul Chaudhry, learned counsel for the plaintiff submits that there is a real and imminent likelihood that the defendants may take immediate steps to dispose of, conceal or suppress its infringing business operations bearing the deceptively similar trademark.

22. In view of the fact that the plaintiff has sought an urgent *ex-parte ad-interim* injunction along with the appointment of Local Commissioners, the exemption from advance service to the defendants is granted.

23. The application is disposed of.

**I.A. 8040/2026 (Order XXXIX Rules 1 & 2, CPC)**

24. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendants.

25. Plaintiff was originally founded in July, 1943 by Kaihei Ushikubo and operated under the name 'Sankyo Electric Company' manufacturing wireless communication devices, etc. In 1948, the plaintiff expanded its production to include dynamo bicycle lamps, and in the 1950s, it ventured into the production of home electric appliances, refrigerated showcases, and mini



motors. In the 1970s, the predecessor of the plaintiff introduced automotive products like air conditioners, and SD compressors. Plaintiff's prominent business revolves around developing, manufacturing and selling automotive compressors, both mechanical and electrical, and cooling/warming systems and holds the world's largest share for independent air conditioning compressors. Its prominent activities also include innovative scroll-type compressors for passenger vehicles, energy efficient solutions for electric vehicles, vending machines and integrated heat management systems to reduce environmental impact.

26. Plaintiff claims to have adopted and commenced the use of trademark 'SANDEN' for its subsidiary in the year 1973. In the year 1982, Sankyo Electric Company changed its name to 'SANDEN Corporation'. On 23.09.1982, the Indian Joint Venture Company M/s Sanden Vikas (India) Private Limited was incorporated under the Indian Laws. On 11.05.1984, plaintiff applied for the trademark 'SANDEN' in Class-07 on a "proposed to

be used basis" and also applied for the trademark

**SANDEN**



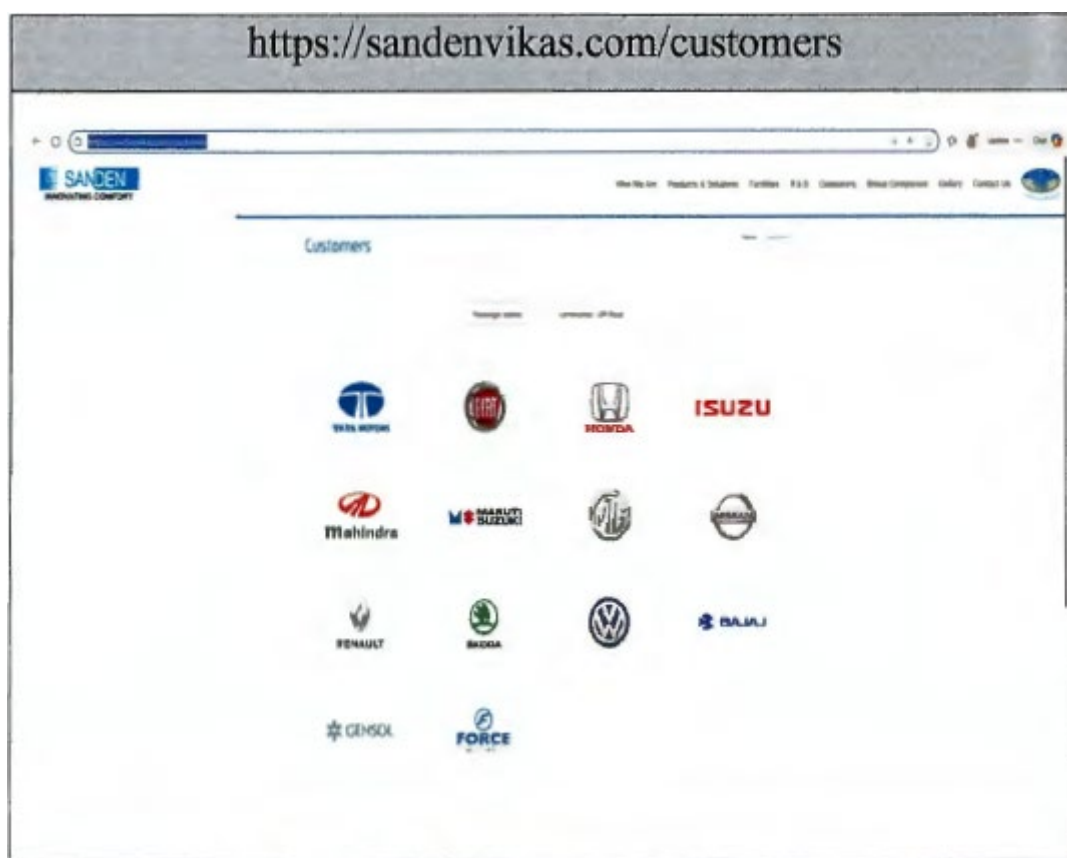
. The plaintiff started using the domain name [www.sanden.co.jp](http://www.sanden.co.jp) on 28.12.1995, and in the year 2000 it commenced the use of the domain name [www.sandenvikas.com](http://www.sandenvikas.com). In the year 2025, the plaintiff applied for registration of the trademark 'SANDEN' in Class-04 on "*proposed to be used basis*".

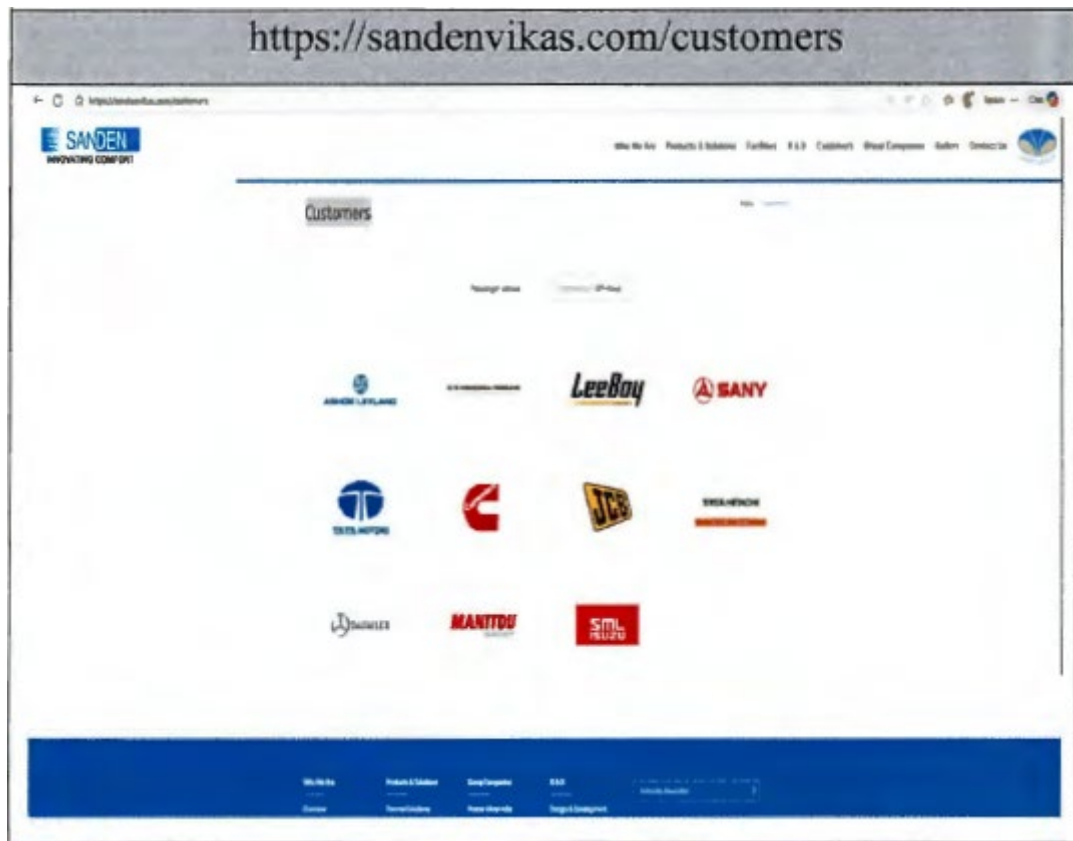
27. Plaintiff claims to have earned substantial revenue worldwide including India from the products sold and services provided under the trademark 'SANDEN' either alone or when used in conjunction with the "SANDEN" device. The global revenues and the promotional expenses from the FY 2000-2024 have been enlisted in para 15 of the plaint. Plaintiff claims that the sales



and promotional figures for the last 25 years clearly demonstrate the immense reputation and goodwill garnered by the plaintiff in respect of its trademark 'SANDEN' and the device, worldwide including India. Plaintiff claims to have participated in world renowned exhibitions well-known globally which has established its trademark beyond doubt.

28. Plaintiff claims to have subsidiaries across the globe and the list of some are provided in para 18 of the plaint. Plaintiff has been vigilant in protecting its proprietary rights in 'SANDEN' marks against third-party infringers worldwide, list of some are provided in para 19 of the plaint. Plaintiff has received several awards, recognitions and accolades worldwide including in India, which are detailed in para 20 of the plaint. The list of customers of the plaintiff are displayed on the website, which are extracted hereunder:





29. Plaintiff also claims to be not only advertising but also offering for sale its product on various internet platforms and e-commerce websites, which are detailed in para 24 of the plaint. The annual sale figures of the plaintiff's products under trademark 'SANDEN' in India commencing from the year 1993-94 pegged at Rs.25,31,21,230/- and reached a substantial figure of Rs.12,55,69,67,240/- in the year 2024-25. The promotional and advertisement figures pegged at Rs.4,65,905/- in the year 1994-95 reached a figure of Rs.72,37,000/- in the year 2024-25. Owing to the superior quality and high efficacy of the products, under the mark 'SANDEN' and the substantial sales volumes and extensive promotional effort, the plaintiff's goods and the 'SANDEN' trademark has not only received widespread popularity amongst traders and consumers, but the general public has come to exclusively associate the trademark 'SANDEN' with plaintiff's goods.

30. Plaintiff claims that one of its distributors has received a caution notice



issued by the defendant no.2, which prompted the plaintiff to conduct investigations and discussions with the Indian Joint Venture. The said investigations reveal that the business under the marks ‘SANDEN’/



and were carried out by defendant no.1. It was

also found that the defendant no.1 was operating domain names which incorporated the plaintiff’s ‘SANDEN’ marks in its entirety namely, [www.sandenoil.co.in](http://www.sandenoil.co.in), [www.sandenoil.com](http://www.sandenoil.com), and [www.sandenoil.in](http://www.sandenoil.in).

Investigation revealed that the defendants are engaged in manufacture of products related to oils and lubricants specifically formulated for use in air conditioning and refrigeration systems. The website claimed that the defendants have been using the impugned marks since 2019, however, have been contradictory regarding commencement of such use. One such screenshot is extracted hereunder:





**BROCHURE AVAILABLE ON**  
<https://www.sandenoil.co.in/>

**About Us**

Established in the year of 2024, Sanden Oil Private Limited are the leading Manufacturer and Wholesaler of an extensive array of Refrigeration Compressor Oil, Refrigeration Lubricant, Refrigerant Oil, Air Compressor Oil, Refrigeration Oil, etc. We direct all our activities to cater the expectations of customers by providing them excellent quality products as per their gratification. Moreover, we follow moral business policies and crystal pure transparency in all our transactions to keep healthy relations with the customers.

For our accomplishment story, we are grateful to our Mr. Pankaj Joshi, whose continual backing and direction have been useful to us for attaining exponential development in the current market.

31. Defendants are stated to be offering for sale the products containing the infringing mark on various e-commerce platforms, some of which are enumerated in para 33 and 34 of the plaint. The search in the Trade Marks Registry revealed that the defendants applied for registration of the trademark 'SANDEN' /  on 24.06.2025 with a user date of 01.01.2020. However, the status indicated "*Formalities Check Fail*". Similarly, two applications were found for goods in Class-04 applied on 09.08.2019 on a "*proposed to be used basis*" which was registered, and the other was applied on 06.06.2024 with user date as 01.01.2020 against which the status indicated "*Formalities Check Fail*".

32. The plaintiff issued a Cease and Desist notice dated 14.11.2025, to which the defendants, through the reply dated 13.12.2025, denied all the allegations and claimed to have obtained registration for the mark 'SANDEN' in Class-04, and also claimed that the goods of the parties are different. Plaintiff has initiated rectification proceedings against the defendant no.1 in



respect of the mark 'SANDEN' registered in Class-04.

33. Plaintiff claims that the adoption and unauthorized use of the identical

mark 'SANDEN' and the Device mark  is not only dishonest but with a sole purpose of riding on the coattails of the plaintiff's well-known trademark 'SANDEN'. Plaintiff claims that the marks are not just deceptively similar but are identical and, therefore, the adoption by the defendants is not *bona fide*.

34. Plaintiff claims that even if it is assumed that the defendants had sought registration in the year 2019 for the mark 'SANDEN' in Class-04 on a '*proposed to be used basis*', the sales figure of the plaintiff for the FY 2019-20 was Rs.7,08,60,86,161/-. Moreover, in the FY 2018-19 and FY 2019-20, the expenditure incurred for promotion and advertisement of the goods produced under the 'SANDEN' trademark was Rs.28,51,614/- and Rs.31,27,831/- respectively. Thus, the plaintiff asserts that even as on the date when the application was filed by the defendants, that too, on a proposed to be used basis, the mark 'SANDEN' of the plaintiff had garnered substantial goodwill and reputation. It is also asserted that by that time the quality of the goods under the mark 'SANDEN' had created an exclusivity of association of the name of the plaintiff with the said mark in the eyes of the trade circles as also the customers. As such, the adoption is not only illegal and unauthorized but stark dishonest.

35. Predicated thereon, the plaintiff seeks an *ex-parte ad-interim* injunction amongst other reliefs.

36. From the various registrations and the marks in respect of "SANDEN" trademark, it appears that the "SANDEN" mark has been adopted and used by the plaintiff's from the last almost 25 years. The registrations of the trademark "SANDEN" appears to be prior in time to the defendants and also *bona fide*.



It is also necessary to examine and compare the adoption alleged against the defendants. A comparative chart showing the similarities between the plaintiff's and defendant's marks is detailed as below:

| Plaintiff's Mark                                                                   | Defendant's Mark                                                                    |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  |  |

37. Having heard learned counsel and upon examination of the registered trademark “SANDEN” of the plaintiff in comparison with the infringing/impugned marks used by the defendants, it appears that the marks are not only similar but deceptively similar and are in relation to similar services and for the consumers who would form the common base. Such use is likely to cause confusion, deception, association with the registered mark of the plaintiff and may cause dilution to the trademark of the plaintiff.

38. Having regard to the aforesaid, the plaintiff has made out a, *prima facie*, strong case in its favour. The balance of convenience too is tilted in favour of the plaintiff. Plaintiff shall suffer irreparable loss and injury which may not be compensated adequately in monetary terms in case urgent *ex-parte ad-interim* injunction orders are not passed.

39. Accordingly, following directions are passed:



- a. The Defendants, their directors, principals, proprietor, partners, officers, employees, agents, distributors, suppliers, affiliates, subsidiaries, franchisees, representatives, group companies assigns or any other person acting on their behalf are restrained from manufacturing, selling, offering for sale, exporting, advertising, marketing and/or in any manner using the impugned mark SANDEN/ / and/or any other mark identical and/or deceptively similar to plaintiff's registered 'SANDEN' mark and/or any other mark (word or device) deceptively similar to the plaintiff's registered trademarks, in whatsoever manner;
- b. The Defendants and all other persons acting on their behalf are directed to reveal and take-down all online listings on its websites and/or other third-party platforms/ecommerce marketplaces, including without limitation, the online listings identified in the present application and ensure that any product bearing the impugned mark SANDEN/ / and/or any other mark identical and/or deceptively similar to plaintiff's registered 'SANDEN' mark and/or any other mark (word or device) deceptively similar to the plaintiff's registered trademarks;
- c. The Defendants and all other persons acting on their behalf are directed to deactivate the websites namely [www.sandenoil.co.in](http://www.sandenoil.co.in), [www.sandenoil.com](http://www.sandenoil.com), and [www.sandenoil.in](http://www.sandenoil.in), or any other website whose domain name incorporates the mark 'SANDEN' or any other mark deceptively similar to the plaintiff's trademark



‘SANDEN’.

40. Issue notice.

41. Let a reply to this application be filed by the defendants within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

42. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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43. In view of the above circumstance, let the plaint be registered as a suit.

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

45. The summons shall state that the Written Statement shall be filed by the defendants within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendants shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

46. 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 defendants be filed by the plaintiff, without which the Replication shall not be taken on record.

47. 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.

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

49. List before the Joint Registrar (Judicial) on 09.07.2026 for completion of service and pleadings.



50. List before the Court on 30.09.2026.

**I.A. 8041/2026 (Appointment of Local Commissioner)**

51. The present application has been filed by the plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of CPC seeking appointment of Local Commissioners. The Court has considered the merits of the plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above.

52. After having perused the plaint and the documents in support thereof and hearing learned counsel for the plaintiff, this Court is of the, *prima facie*, opinion that in order to preserve the evidence of the infraction by the defendants and in order to ensure that the injunction is fully complied with, it may be appropriate to appoint Local Commissioners. Accordingly, the following are appointed as Local Commissioners with a direction to visit the premises of the defendants specified against their names:-

| S.No | Name and Contact Details of the Local Commissioner | Location                                                                                                                                |
|------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1.   | Piyush Arora<br>Ph: 9654562812                     | <b>Manufacturing Unit</b><br>D/20, Ashapura Industrial Estate,<br>Dhumal Nagar, Vasai East IE,<br>Thane, Vasai, Maharashtra-<br>401208. |
| 2.   | Akanksha Verma<br>Ph: 8283815853                   | <b>Warehouse</b><br>First Floor, 1/2785/C, Kashmere<br>Gate, New Delhi - 110006.                                                        |

53. The Commission be executed with the following directions:-

- (i) Local Commissioners shall visit the premises of the defendants as outlined above to inspect and seize any infringing product of the defendants, and may be accompanied by representatives of the plaintiff in order to assist in conducting inspection of the said premises.
- (ii) Local Commissioners shall make an inventory of the products bearing the impugned trademark and/or any other deceptively similar trademark to the plaintiff's registered trademark alongwith any



marketing/packaging material, labels, brochures, advertisements, etc. thereof and provide a copy of the same to the representative of the plaintiff;

- (iii) If knowledge is acquired of any other premises than the aforesaid premise, where the infringing product could be stored or services can be provided from, the Local Commissioners are free to record the same and then visit the other premises and conduct a seizure there as well;
- (iv) Local Commissioners are permitted to take photographs/videos of the impugned materials, products bearing the impugned marks/trademark, and the defendants' premises so visited;
- (v) Local Commissioners shall seize any and all products/materials, stationery, goods, books of accounts etc., bearing the impugned trademark/marks, procured at the premises of the defendants and release it on *superdari* to the representatives of the defendants, with an undertaking that they will not be disposed of except under orders of this Court;
- (vi) Local Commissioners shall inspect and make copies of the account books/ledgers/cash books, bill books, sale records, invoices and all other relevant documents (whether maintained as physical copies or e-records) discovered from the premises mentioned herein above;
- (vii) Local Commissioners are also permitted to break open the locks in case of resistance by the defendants and seek police assistance, if necessary;
- (viii) To ensure unhindered and effective execution of the Commission, the Station House Officer (SHO) of the local police station within whose jurisdiction the premises of defendants lie, is directed to render all necessary assistance and protection to the Local Commissioners, if and when sought;
- (ix) The Local Commissioners, while executing the Commission, shall



ensure that there is no disruption to the business of the defendants, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner;

54. The Commission be executed within a period of ten (10) days from the date of receipt of order and the report of the Local Commissioners shall be filed within a period of two weeks thereafter.

55. The fees of the Local Commissioners is fixed at Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) each, excluding out of pocket expenses, travel, lodging etc., to be borne by the plaintiff and paid in advance to the Local Commissioners.

56. Compliance of Order XXXIX Rule 3 of CPC shall be done within a week after the execution of the Commission.

57. It is directed that this Order **shall not** be uploaded on the Court's website till the execution of the commission is completed within the timeline and parameters directed in paras 53 and 54 above, so as to enable its effective execution.

58. Concerned parties shall comply with the directions in the order without waiting for the certified copy of the same.

59. Accordingly, the application is allowed and is disposed of.

Order *dasti* under the signatures of the Court Master.

**TUSHAR RAO GEDELA, J**

**MARCH 25, 2026/anj**