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

+ **CS(COMM) 108/2021 & CRL.M.A. 7863/2022, I.As. 13031/2021,
16059/2021, 4587/2022, 8461/2022, 8859/2022, 8969/2022**

VICTORIA FOODS PRIVATE LIMITED Plaintiff
Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Rohit Gandhi, Mr. Adhish
Srivastva, Mr. Hargun Singh Kalra,
Advocates (M:9818610321)
versus

RAJDHANI MASALA CO. & ANR. Defendants
Through: Mr. Sandeep Sethi, Sr. Adv. with Mr.
Madhusudan, Mr. Ankit Kakkar, Mr.
Vikhyat Oberoi, Mr. Ankur Singhal,
Advocates along with Mr. Ravi Kohli,
Mr. Pawan Kohli in person.
(M:9971423535)
Mr. Rakesh Chaudhary, Mr. Sushaar
Chaudhary, Mr. Vijay Jakhwal,
Advocates for FSSAI (M:98111-
88090)
Mr. Anuj Aggarwal, ASC, GNCTD
with Ms. Ayushi Bansal, Ms. Sanyam
Suri, Ms. Aishwarya Sharma,
Advocates for Department of Food
Safety
Mr. Anurag Ahluwalia, CGSC for
UIO (M:9818837021)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **02.06.2022**

1. This hearing has been done through hybrid mode.
2. Today, an email written by Mr. Ankur Singhal, Id. Counsel for the



Defendants to Mr. Rohit Gandhi, Id. Counsel for the Plaintiff at 11:16 p.m. on 1st June, 2022, has been handed over to the Court. The said email reads as under:

*“Mr. Gandhi,
Please find the new mark and logo,
Kindly note that said new mark and logo will be used
by the defendants without prejudice to the rights.
Defendants will not be giving up the previous mark and
logo ‘RAJDHANI’ and Defendants will pursue
FAO(OS) 124/2021.
Regards,
Ankur Singhal
Advocate for the Defendants”*

3. Since the submissions made yesterday i.e., on 1st June, 2022 were based on the premise that the Defendants would be willing to give up the mark ‘RAJDHANI’ and change over to the mark and trading name ‘RMC’ and ‘Raavi Masala Company’, the matter was adjourned to enable Id. Counsel for the Plaintiff to seek instructions.

4. However, upon a perusal of the email extracted above, it is clear that the Defendants have resiled from the said position.

5. Insofar as the goods seized by the Local Commissioner in the premises of the Defendants are concerned, the same are lying under *superdari* with the Plaintiff. The said products were clearly manufactured in violation of the interim order dated 1st September, 2021 which is operating in the suit. As the said products are *masalas* (spices), it is deemed appropriate to permit the said products to be used before they become unfit for human consumption. Mr. Anuj Aggarwal, Id. Counsel appearing for the Food Safety Department, GNCTD submits that the samples in terms of last



order dated 1st June, 2022 have been taken yesterday, and the test reports in respect of the said samples are likely to be received, within a week or so.

6. Since the Court is closing for summer vacation, subject to the product samples which have been lifted yesterday from the Plaintiff's premises, being declared as being fit for human consumption, the entire stock of *masalas* seized from the Defendants' premises, shall be donated for a charitable purpose to any religious or charitable institution within Delhi, including for the purposes of *langar* in *Gurudwaras*, etc. If any other such charitable institution can be identified by the GNCTD, the same shall also be communicated to the Plaintiff for the purpose of donation. One of the Food Inspectors on behalf of the GNCTD shall be present at the time of donation of the various stocks which are lying with the Plaintiff to the said institutions. After the said stock is donated, a status report in this regard shall be filed by the food inspector, GNCTD, as also, by the Plaintiff.

7. At this stage, arguments have been heard and concluded on all the three contempt applications, this Court was inclined to reserve the matter for orders in the contempt applications. However, since a formal reply has not been filed in the two contempt applications being ***I.A. 4587/2022*** and ***I.A. 8461/2022***, and time is sought for filing the same, the Defendants are permitted to file their replies to the same, within four weeks.

8. After having heard detailed submissions for the last three hearings, in view of the conduct of the Defendant as recorded previously and in view of the manner in which the Defendants have sought to resile from the submissions made yesterday i.e., on 1st June, 2022 by Id. Sr. counsel appearing for the Defendants, this Court is, *prima facie*, of the opinion that the Defendants have brazenly violated the orders passed by this Court by



manufacturing, selling, and offering for sale, products branded as 'RAJDHANI' spices and *masalas*, post the injunction order dated 1st September, 2021.

9. In view of the *prima facie* finding of this Court, the persons who are in-charge of the day-to-day business of the Defendants, namely Mr. Ravi Kohli and Mr. Pawan Kohli, shall not leave the territory of Delhi, till further orders. Further, the said Defendants shall call and report telephonically to the SHO, P.S. Keshav Puram, every week on Monday morning, till further orders of this Court.

10. Issue notice in the **CRL.M.A. 7863/2022**. Let the reply be filed in the said application within four weeks.

11. The factory premises of the Defendants shall continue to remain sealed in terms of the order dated 28th April, 2022.

12. List on 2nd August, 2022.

13. This is a part-heard matter.

PRATHIBA M. SINGH, J.

JUNE 02, 2022

dj/ad