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

+ **CS(COMM) 107/2024 I.A. 2661/2024 I.A. 2662/2024 I.A.**

2663/2024

CROMPTON GREAVES CONSUMER ELECTRICAL LIMITED

..... Plaintiff

**Through: Mr. Hemant Dawani, Ms. Saumya
Bajpai & Ms. Pranjal, Advs.**

versus

HALONIX TECHNOLOGIES PRIVATE LIMITED

..... Defendant

**Through: Ms. Meenakshi Ogra, Mr. Tarun
Khurana, Mr. Amarjeet Kumar, Mr.
Rishi Vohra, Ms. Chhavi Pandey,
Mr. S S Kang, Mr. Devenshu Bedi,
Advs.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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05.02.2024

**I.A. No. 2662/2024 (exemption from filing certified, typed copies of dim
annexures etc.)**

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance within four weeks from today or before the next date of hearing, whichever is earlier.
3. Accordingly, the present application is disposed of.



I.A. No. 2663/2024 (Exemption from instituting pre-institution mediation)

1. Having regard to the facts of the present case and in light of the judgement of Division Bench of this Court in ***Chandra Kishore Chaurasia v. R.A. Perfumery Works Private Ltd.*** FAO (COMM) 128/2021, exemption from attempting pre-institution mediation is allowed.
2. Accordingly, the application stands disposed of.

CS(COMM) 107/2024

1. Let the plaint be registered as a suit.
2. Counsel for the defendant has appeared on advance notice. Let written statement be filed by the defendant within 30 days from the date of receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.
3. Liberty is given to the plaintiff to file a replication within 30 days of the receipt of the written statements. Along with the replication, if any, filed by the plaintiff, affidavit of admission/denial of documents filed by the defendant, be filed by the plaintiff, without which the replication shall not be taken on record.
4. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
5. List before the Joint Registrar for marking of exhibits on 9th April, 2024.
6. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

CAV 52/2024

Since the counsel for the defendant has appeared on advance notice, caveat



stands discharged.

I.A. No. 2661/2024 (under Order XXXIX Rules 1 & 2 CPC)

1. This application has been filed by the plaintiff as part of the present suit claiming infringement of its registered design for an LED batten (also known as LED Tubelight Fixture), registered in the name of plaintiff under the Designs Act, 2000 under number 3751 69-001 dated 5th December, 2022, with respect to LED batten. It is alleged by the plaintiff that the defendant has copied the essential features of the plaintiff's registered design and also the entire getup, layout and overall appearance and all the unique features.
2. Counsel for the defendant appears on advance notice and states that they have already filed a cancellation application for the plaintiff's registration on 30th January, 2024.
3. The advance notice in respect of this suit was received by the defendant on 30th January, 2024 itself and therefore it is claimed that their cancellation application was prior in time to filing of the present suit.
4. Counsel for the defendant seeks time to file reply *qua* this application which may be filed within next 4 weeks with copy to the opposing counsel. Rejoinder thereto, if so desired, be filed before the next date of hearing.
5. List on 19th March, 2024.
6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 5, 2024/sm/sc