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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS (COMM) 244/2021 and I.A. 6811/2021

KHADI AND VILLAGE INDUSTRIES COMMISSION Plaintiff

Through: Ms. Shwetasree Majumder, Ms. Diva Arora, Ms. Devyani Nath and Ms. Archita Nigam, Advocates (M: 7042547106).

versus

**KHADI DESIGN COUNCIL OF INDIA AND
OTHERS**

..... Defendants

Through: Mr. Jatin Sharma and Mr. Sachin, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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12.09.2022

1. This hearing has been done through hybrid mode.
2. Vide previous order dated 26th July, 2022, this Court had issued show cause notice, as to why contempt action should not be taken against the Defendant No.3 - Mr. Ankush Anami, in view of the continued use of the mark and name 'KHADI'. A reply to the said show cause notice was directed to be filed by Defendant No.3, within two weeks. Arguments were also heard in part in respect of the application seeking interim injunction as well.
3. Today, it is submitted by Ms. Majumdar, Id. Counsel for the Plaintiff that the Defendant continues to use the mark 'KHADI' as part of its corporate name 'Khadi Design Council of India' along with the 'Charkha' Logo, on his website 'www.kdic.org', as of 9th September, 2022, as also, on third-party websites such as Facebook, Instagram, YouTube, etc.
4. Defendant No.3 - Mr. Ankush Anami is present in Court, and submits



that he has deleted most of the references to the mark 'KHADI' on his website. He submits that he is willing to delete any other remaining references. However, in respect of references on some social media platforms, it is submitted that the registered mobile number used to access his page on said platforms is no longer available with him, and hence, he is unable to delete the same.

5. During the course of the hearing today, this Court has accessed the website of the Defendants, being 'www.kdic.org'. The said web page, as of today, is depicted below:



6. It is made clear that the status of the website 'www.kdic.org', as depicted above, shall not be changed, till the next date of hearing.

7. Insofar as infringing listings/posts of the Defendants on other websites and online platforms are concerned, Ms. Majumdar, Id. Counsel for the Plaintiff is permitted to approach Facebook, Instagram, YouTube and any other third-party websites or online platforms on which the Defendants are using the mark or name 'KHADI', 'Khadi Design Council of India', or any other mark/name which is identical or deceptively/confusingly similar to the mark 'KHADI', as also, the 'Charkha' Logo. A request for deletion of



infringing listings/posts shall be addressed to the said third-party websites and online platforms by the Id. Counsel for Plaintiff, along with the orders passed by this Court, from time to time. Upon receiving such a request, the said third-party websites and online platforms shall give effect to the order of this Court and delete all infringing references within 48 hours.

8. Mr. Jatin Sharma, Id. Counsel for the Defendants submits that he has been recently engaged and could not file the reply to file a reply to the show cause notice issued on the last date. He seeks further time to file the same.

9. Last and final opportunity is granted to file the reply to the show cause notice, in terms of the previous order dated 26th July, 2022, within two weeks, subject to costs of Rs.15,000/-. Let the said costs be paid by the Defendants to the Plaintiff, within two weeks.

10. Let rejoinder to the said reply, if any, be filed within two weeks thereafter. Any continued use of the mark/name 'KHADI' or its variants/logos shall also be brought to the notice of this Court by Id. Counsel for the Plaintiff, along with the said rejoinder, on the next date of hearing.

11. List on 10th November, 2022, for hearing on the show cause notice, as also, for arguments on the application seeking interim injunction.

12. This is a part-heard matter.

13. Interim order to continue.

PRATHIBA M. SINGH, J.

SEPTEMBER 12, 2022

MR/AD