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

+ CS(COMM) 390/2025, I.A. 10598/2025-Stay & I.A. 10600/2025-Addl.doc

GNC HOLDINGS LLC & ANR.

.....Plaintiffs

Through: Mr. Kunal Tondon, Sr. Advocate
with Ms. Smita Chandra and
Mr. Shivam Sharma, Advs.

versus

ARPIT MANGAL & ORS.

.....Defendants

Through: Ms. Nandita Rao, Sr. Advocate
with Mr. Ramchandra Madan and
Mr. Tushar Nigam, Advs. for R-1.
Ms. Neel Mason, Ms. Ekta Sharma,
Ms. Pragya Jain and Ms. Surabhi
Katara, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **28.04.2025**

I.A. 10599/2025 (*Exemption*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

I.A. 10601/2025 (*Exemption from pre-suit mediation*)

3. The plaintiffs, *vide* the present application under Section 12A of the Commercial Courts Act, 2015, seek exemption from pre-litigation mediation.
4. Considering the factual matrix involved, especially since the parties are being referred to pre-litigation mediation before the Delhi High Court Medication and Conciliation Centre, Delhi High Court (**DHCMCC**), the present application is disposed of.

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5. By virtue of present suit plaintiffs seeks the following reliefs:

“1. order and decree of mandatory injunction restraining the Defendant No. 1, his partners, agents, officers, servants, affiliates entities, as the case may be and all others acting for and on his behalf from reproducing, broadcasting, communicating to the public, screening, publishing and distributing the impugned videos or any other video on any media or platform and promoting the impugned videos on various social media amounting to infringement of Plaintiff's registered mark 'GNC' described in paragraph 13 of the suit;

2. Pass an order and decree of mandatory injunction restraining the Defendant No. 1 and his partners, agents, assigns, officers, servants, affiliated entities, as the case may be and all others acting for and on his behalf from reproducing, broadcasting, communicating to the public screening, publishing and distributing the impugned video and posts on any media or platform amounting to unfair competition, defamation/commercial disparagement of the Plaintiffs' products including but not limited through videos, post published on https://www.youtube.com/watch?si=M_6Zp908984jmQKE&v=mwA3N0qCeEY&feature=youtu.be and "https://www.youtube.com/watch?v=KwVSppT9UMQ &t=2s";

3. Pass an order and decree of mandatory injunction against Defendant No. 1 and his partners, agents, assigns, officers, servants, affiliated entities, as the case may be and all others acting for and on his behalf from reproducing, broadcasting, communicating to the public, screening, publishing and distributing the impugned video and posts on any media or platform amounting to dilution and tarnishment of the goodwill and reputation of the Plaintiffs' brand 'GNC' including but not limited to through videos, post published on https://www.youtube.com/watch?si=M_6Zp908984jmQKE&v=mwA3N0qCeEY&feature=youtu.be and

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"<https://www.youtube.com/watch?v=KwVSpT9UMQ> &t=2s";

4. Pass an order and decree directing Defendant No. 1 to issue a public clarification explicitly acknowledging that the allegations made by the Defendant No. 1 in his videos were incorrect and that the Plaintiffs' claims on the packaging are correct and not misleading and further give an unconditional apology for the false and defamatory statements made against the Plaintiffs and the product 'Apple Cider Vinegar Effervescent Tablets';

5. Pass an order and decree of mandatory injunction directing Defendant No. 2, 3 and 4 that in the event any impugned videos resurface on their platform or any other video denigrating and defaming Plaintiffs mark 'GNC', the Plaintiffs shall be at liberty to supply the concerned URLs to Defendant No. 2 and 3, who shall take appropriate action to block/taken down the same;

6. Pass an order or decree for damages to the tune of Rs.2,00,01,000/- in favour of the Plaintiff No. 2 and against the Defendant No. 1 on account of his illegal and infringing activities;

7. Pass an order for costs of the present proceedings in favour of the Plaintiffs."

6. Before even learned senior counsel for the plaintiffs commenced his arguments, learned senior counsel for defendant no.1 appearing on advance notice, at the outset submits that the defendant no.1 is open for negotiation talks with the plaintiffs, and the same is not opposed by learned senior counsel for the plaintiffs.

7. Accordingly, the parties are referred to pre-litigation mediation before the DHCMCC on 30.04.2025, wherein the parties and/ or their representatives/ counsel shall be allowed to join/ appear either through video conferencing or physically.

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8. Considering that the parties are being referred for mediation, learned senior counsel for defendant no.1 on instructions, candidly assures that the links of the impugned video involved in the present *lis* shall be kept in the abeyance till the culmination of the mediation proceedings.

9. Needless to say, the parties are to proceed in accordance with the procedure laid down for pre-litigation mediation.

10. List before the Court on 14.05.2025.

SAURABH BANERJEE, J.

APRIL 28, 2025/R

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