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

+ **CS (COMM) 456/2022 & I.A. 10259/2022**

BRAJ MOHAN RATHORE Plaintiff
Through: Mr. Tanmaya Mehta, Mr. Ankit Virmani & Mr. Anunaya Mehta, Advocates with Plaintiff and his son Mr. Deepak Rathore in person. (M:9920090570)
versus

MAHESH EDIBLE OIL INDUSTRIES LTD. & ORS..... Defendants
Through: Mr. Rohit Sharma & Mr. Ajay Garg, Advocates with Mr. Dinesh Rathore and Mr. Mahesh Rathore in person. (M:9958035522)

(11) **AND**
+ **CS (COMM) 313/2021 & I.As. 7928-29/2021, 13311/2021**

MAHESH EDIBLE OIL INDUSTRIES LIMITED Plaintiff
Through: Mr. Rohit Sharma & Mr. Ajay Garg, Advocates.
versus

MAHESH EDIBLE OILS PRODUCTS PRIVATE LIMITED Defendant
Through: Mr. Tanmaya Mehta, Mr. Ankit Virmani & Ms. Anunaya Mehta, Advocates for B M Rathore Group.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **22.08.2022**

1. This hearing has been done through hybrid mode.
2. The parties have appeared in chamber today with their respective counsels. Mr. Rohit Sharma, ld. Counsel, has placed a note before the Court



relating to -

- the agreed list of assets along with their valuation,
- assets to be discussed along with their valuation,
- as also the list of disputed assets/ factories/ business and their valuation.

Mr. Tanmaya Mehta, Id. Counsel for Mr. Braj Mohan Rathore shall respond to this note within a period of 1 week from today. After the response is received from Mr. Mehta, both counsels along with their respective parties shall try to resolve the issues which can be amicably and agreeably resolved amongst themselves. An updated list *qua* all three categories above, shall be placed on the next date of hearing before the Court.

3. Insofar as the fair market value of land, building, plants and offices at Kota, Shamshabad as also at Alwar is concerned, there is a difference in the value which has been ascribed by the parties. The said difference in valuation shall be considered by the Court at a later stage.

4. The main outstanding issue between the parties would be the valuation of the flagship brand 'SALONI' and the use of the name 'MAHESH' as part of the corporate name, and product label. Insofar the name 'MAHESH' is concerned, the parties are agreeable that the Mr. Braj Mohan Rathore (*hereinafter 'BMR Group'*) would give some proposals as to how it can distinguish its name from that of the businesses of the other brothers (*hereinafter 'SDM Group'*). The said proposals shall be exchanged between the parties in advance and be placed before the Court on the next date of hearing.

5. Insofar as the trademark 'SALONI' is concerned, all the parties agree that the said brand needs to be valued for the purpose of finalizing the



settlement currently being considered. For the said purpose, copies of the audited balance sheets for the years 2010-11 till 2019-20 along with the profit and loss account shall be handed over by Mr. Sharma, Id. Counsel to Mr. Mehta, Id. Counsel, within one week. On the basis of the data disclosed in the said documents, a chart shall be prepared by both the parties either jointly or individually, in case of dispute, and be placed before Court on the next date of hearing, giving the following details:

- (1) Annual sales of total edible oil and allied products.
- (2) Annual sales of 'SALONI' branded edible oil.
- (3) Annual profits.
- (4) Growth percentage on annual basis.

6. The directions contained in paragraphs 4 & 5 of the previous order dated 1st August, 2022 shall continue.

7. List on 12th September, 2022 at 4:00 pm. Parties who are present today shall be present on the next date as well.

8. These are part-heard matters.

PRATHIBA M. SINGH, J.

AUGUST 22, 2022/dk/sk