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

+ **CS(COMM) 550/2022 & I.As. 12642/2022, I.A. 31113/2025**

KRBL LIMITED

.....Plaintiff

Through: Mr. Anirudh Bhakru, Mr. Rishabh Gupta, Ms. Shruti Manchanda, Ms. Deasha Mehta and Mr. Abhigyan Pandey, Advocates

versus

VIKRAM ROLLER FLOUR MILLS LIMITED

.....Defendant

Through: Mr. Manish Singhal, Advocate

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **15.12.2025**

I.A. 31113/2025(seeking directions)

1. This is an application under section 124 of the Trademarks Act, 1999 read with section 151 of the Code of Civil procedure, 1908 filed on behalf of the defendant seeking directions.

2. List on 16.03.2026.

CS(COMM) 550/2022

3. Learned counsel for the plaintiff has handed over its proposed issues and so also, learned counsel for the defendant has handed over its proposed issues.

4. With the assistance of the parties, on the basis of the record, the following issues have been framed: -

I. Whether the present suit is liable to be stayed under Section 10 CPC by virtue of prior suit filed by the plaintiff and pending before the Hon'ble District



Court wherein the plaintiff has claimed the identical reliefs? OPP/OPD

II. Whether the defendant is guilty of infringing the registered trade mark of the plaintiff INDIA GATE under No. 599833 in class 30 by using the Trademark INDIA GATE in relation to Dalia? OPP

III. Whether the defendant is guilty of infringing registered copyright of the plaintiff INDIA GATE with device of INDIA GATE under No. A-75495/2006 and A-103239/2013? OPP.

IV. Whether the defendant is guilty of committing the offence of passing off by use of the trade mark INDIA GATE in relation to Dalia? OPP

V. Whether the defendant is the prior user of the trademark/label 'INDIA GATE' in respect of 'Atta, Maida, Rava, Suji and Bran'? OPD

VI. Whether the defendant is entitled to use the trademark INDIA GATE in respect to 'Dalia' in view of the prior user of the trademark 'INDIA GATE' in respect to 'Atta, Maida, Rava, Suji and Bran'-being an extension of the wheat products business as well as user of the said mark since 2015 in respect to 'Dalia'? OPD

VII. Whether the present suit proceedings are barred by virtue of the subsisting consent order dated 21.04.2014 entered in to between the parties before the Hon'ble High Court in FAO no. 7/2012? OPD/OPP

VIII. Whether the present suit is liable to be dismissed due to the concealment and suppression of facts by the plaintiff as set out in the preliminary objections at paragraph E [Concealment of facts and material suppression of facts] of the written statement? OPD

IX. Whether the present suit is barred by the principles of delay, laches and acquiescence? OPD

X. Whether the plaintiff is entitled to the relief of damages or in the alternative, rendition of accounts, as prayed? OPP

XI. Relief and costs

5. Learned counsel for the defendant has also proposed the following issue: -



‘Whether the trademark INDIA GATE under registration number 599833 is invalid and is liable to be rectified? OPD’

6. It is directed that this issue will be framed after deciding I.A. No. 31113/2025.

7. No other issues are pressed by the parties.

Framing of preliminary issue

8. Parties agree that issue no. ‘I’ as framed above, has to be decided on the basis of the documents already filed on record and no trial is required for this issue. This issue is hereby treated as a preliminary issue and parties will address arguments on this issue after the captioned I.A. No. 31113/2025 has been decided. After decision of this issue, appropriate directions for trial will be issued.

9. List for hearing of I.A. 31113/2025 on **16.03.2026**.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 15, 2025/rhc/IB