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

+ **CS(COMM) 490/2025**

ORIENT ELECTRIC LTD.

.....Plaintiff

Through: Mr. Abhishek Malhotra, Senior Advocate with Mr. Govind Singh Grewal, Mr. Angad Singh Dugal, Mr. Shubham Niwas, Mr. Pranav Chadha, Ms. Sonal Chhablani and Ms. Raghavi Shukla, Advocates.

versus

POLYCAB INDIA LIMITED

.....Defendant

Through: Mr. Abhay Chattopadhyay, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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20.05.2025

I.A. 12617/2025 (u/S 12A of the Commercial Courts, Commercial Division and Commercial Appellate Division of the High Courts Act, 2015 of the CPC, 1908 seeking exemption from pre-litigation mediation)

1. Issue notice.
2. Mr. Abhay Chattopadhyay, learned counsel accepts notice on behalf of the Defendant.
3. List on 06.08.2025 before the Roster Bench.

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4. Let plaint be registered as a suit.
5. Issue summons.
6. Mr. Abhay Chattopadhyay, learned counsel accepts summons on behalf of the Defendant.

This is a digitally signed order.

CS(COMM) 490/2025

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

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7. Written statement shall be filed by the Defendant within 30 days along with affidavit of admission/denial of the documents filed by the Plaintiff.
8. It is open to the Plaintiff to file replication within 30 days from receipt of the written statement along with affidavit of admission/denial of documents filed by the Defendant.
9. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
10. If any of the parties wish to seek inspection of any documents, the same be done in accordance with Delhi High Court (Original Side) Rules, 2018.
11. List before the learned Joint Registrar for completion of service and pleadings, marking of exhibits and admission/denial of documents on 25.08.2025.

I.A. 12616/2025

12. This application is filed by the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 CPC, 1908 for *ex parte ad interim* injunction restraining the Defendant from manufacturing, commercialising, selling, marketing, offering for sale the infringing product, i.e., 'Polycab Ceiling Fan Silencio Cruiser' or any product by any name that infringes Indian Patent No. 477284.
13. Issue notice.
14. Mr. Abhay Chattopadhyay, learned counsel accepts notice on behalf of the Defendant.
15. Reply be filed before the next date of hearing.
16. List before Roster Bench on 06.08.2025.



I.A. 12618/2025 (u/O XXVI Rule 9 and Order XXXIX Rule 7 of CPC, 1908 for appointment of Local Commissioner)

17. This application is filed on behalf of the Plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 and Section 151 of CPC, 1908 seeking appointment of a Local Commissioner.

18. It is the case of the Plaintiff that it is carrying on business of manufacturing and marketing of fans, ventilating apparatus, lighting solutions, switchgears, wires etc. and has emerged as one of the largest manufacturer and exporter of fans in the country. With cutting edge technology, Plaintiff has emerged as one of India's largest exporters of fan, contributing to nearly one-third of India's fan exports in the organized sector. Plaintiff continues research and development to provide better customer experience and enhance comfort has led to innovation of several path-breaking technologies, such as PSPO.

19. It is the case of the Plaintiff that it owns several granted patents and pending patent applications across the globe, apart from valuable technical knowhow and proprietary knowledge *inter alia* in the realm of fan technology. Among the many intellectual property rights owned by the Plaintiff is Indian Patent No. 477284 titled '*A twisted compounded plastic blade of ceiling fan for higher air delivery, covering larger area with less noise*'. The bibliographic details of the suit patent are as follows: -

Indian Patent No.	477284
Title	<i>A twisted compounded plastic blade of ceiling fan for higher air delivery, covering larger area with less noise.</i>
Patentee	Orient Electric Limited



Indian Patent Application No.	201631029656
Date of filing in India	31.08.2016
Priority Date	31.08.2016
Date of Publication under Section 11A	09.03.2018
Date of Grant and Date of Publication of Grant	06.12.2023
Valid up to	31.08.2036

20. It is stated that suit patent is valid and subsisting with a term of 20 years from 31.08.2016 in India. The patent has undergone rigorous examination by the Patent Office and was unopposed at the pre-grant stage. Time for filing post-grant opposition has expired and there was no opposition. The suit patent invention relates to a ceiling fan containing: (i) a single structure blade with (ii) varying width in the longitudinal direction, (iii) curvature in the transverse direction, (iv) thicker blade on the motor side (v) with specified thickness of 7-9 mm, (vi) and rest of the blade span having a thickness of 3.5-4.00 mm, along with (vii) blade having a lift angle of 7-9° with respect to the horizontal direction and (viii) twist angle of 11-13°, (ix) varying width along the longitudinal direction, (x) with the motor end wider than the tip end.

21. Plaintiff avers that the Defendants is a manufacturer of fans, wires, cables, switchgears and other Fast Moving Electrical Goods and Plaintiff and Defendant operate in overlapping market. In March, 2025, Plaintiff became aware of the infringing activities of the Defendant since its product '*Polycab Ceiling Fan Silencio Cruiser*' appears to possess the features



claimed in the suit patent. The infringing product was purchased from the market and upon testing and analysis, the expert in the field came to a conclusion that the product infringes Claims 1 and 8 of the suit patent.

22. Learned Senior Counsel appearing for the Plaintiff urges that Plaintiff is entitled to protect its proprietary rights and Defendant cannot be permitted to unlawfully benefit by infringing the suit patent. It is also argued that Plaintiff has not licensed the suit patent to any third party and therefore, in order to obviate the continuing infringement by the Defendant, it is necessary that a Local Commissioner is appointed to visit the premises of the Defendant to take custody of the impugned products and other incriminating materials, such as packaging and promotion material and/or unfinished goods etc.

23. After hearing learned Senior Counsel for the Plaintiff, I appoint Shri Yudhvir Singh Chauhan, Advocate (Mobile No. 9810153709) as Local Commissioner to visit the following premises: -

Polycab India Limited,
Registered Office: Unit 4, Plot No. 105,
Halol Vadodara Road Village Nulpura,
Taluka Halol, Panch Mahals, Panchmahal,
Gujarat, India, 389350

24. Local Commissioner shall make an inventory of the impugned goods as also inspect books of accounts, both physical and digital for collecting details of the accounts pertaining to sales and profits made by the Defendant by selling the impugned products.

25. Local Commissioner is permitted to take photographs or videography during the execution of the commission.



26. Learned counsel for the Defendant fairly submits that the Defendant will not obstruct the Local Commissioner from executing the commission and shall render full cooperation.

27. Fee of the Local Commissioner is fixed at Rs. 2 lacs, in addition to travel and boarding charges and out-of-pocket expenses, which shall be paid in advance by the Plaintiff. Report of the Local Commissioner shall be filed within two weeks from today.

28. Application stands disposed of.

I.A. 12619/2025 (u/O XI Rule 1(4) of the Commercial Courts Act, 2015 of CPC, 1908 seeking leave to file additional documents)

29. Issue notice.

30. Mr. Abhay Chattopadhyay, learned counsel accepts notice on behalf of the Defendant.

31. List before Roster Bench on 06.08.2025.

JYOTI SINGH, J

MAY 20, 2025/RW