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

+ **CS(COMM) 519/2025**

HAVELLS INDIA LIMITED & ANR.Plaintiffs

Through: Mr. Jayant Mehta, Senior Advocate
with Mr. Sudeep Chatterjee, Mr.
Kunal Vats, Mr. Sanyam Suri and Ms.
Tanya Arora, Advocates.

versus

JAI BHAGWAN SHARMA & ORS.Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **27.05.2025**

I.A. 13491/2025 (exemption from filing originals, clearer copies of documents with proper margins, etc.)

1. Allowed, subject to the plaintiffs filing clearer copies of the documents and documents with prescribed margins within four (4) weeks from today.
2. The plaintiffs are exempted from filing originals at this stage.
3. The application stands disposed of.

I.A. 13492/2025 (exemption from filing original/certified copies etc.)

4. Allowed, subject to the plaintiffs filing legible/certified copies of documents within four (4) weeks from today.
5. Plaintiffs are exempted from filing original documents at this stage.
6. The application stands disposed of.

I.A. 13493/2025 (u/s 12A of Commercial Courts Act, 2015)

7. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in **Yamini Manohar v. T.K.D. Krithi**, 2023



SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

8. The application stands disposed of.

I.A. 13495/2025 (seeking exemption from advance service to defendants)

9. Plaintiffs seek urgent interim relief against infringing products and for this purpose, an *ex-parte* appointment of Local Commissioner is also sought to confiscate the goods. It is submitted that there is a probability that the defendants may remove the infringing products if the defendants are given advance service of the plaint paper book. Therefore, in the peculiar facts and circumstances of this case, exemption from effecting advance service upon the defendant is granted.

10. The application is disposed of.

I.A. 13494/2025 (O-XI R-1(4) of the Commercial Courts Act)

11. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents.

12. The plaintiffs are permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

13. Accordingly, the application is disposed of.

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14. Let the plaint be registered as a suit.

15. Issue summons.

16. Summons be issued to the defendants through all modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit



of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

17. Liberty is given to the plaintiffs to file replications, if any, within thirty days from the receipt of the written statement(s). Along with the replications filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

18. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

19. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

20. List before the Joint Registrar on 4th August, 2025, for completion of service and pleadings.

21. List before the Court on 31st October, 2025.

I.A. 13489/2025 (u/O-XXXIX R-1 & 2 of CPC)

22. The present suit has been filed seeking relief of permanent/ perpetual injunction restraining the defendants from infringement of trade mark of the plaintiffs, passing off, along with other ancillary reliefs.

23. The plaintiffs are engaged in manufacture of fans and other electrical appliances under the mark 'HAVELLS', which stands recognised as a well-known trademark within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999, by order dated 8th December, 2014 passed by this Court in CS(OS) 3770/2014 (**Havells India Ltd v. T.T. Plyboards & Ors.**)

24. Some of the relevant trademark registrations obtained by the



plaintiffs, as provided in the documents filed with the plaint, are reproduced below:

S. No.	Registration No.	Trademark	Class
1.	167484		11
2.	1558787		7
3.	4678498		7
4.	4678499		7
5.	4678500		8
6.	4678502		8
7.	1762389	HAVELLS LOGO	7, 9, 11, 42
8.	1558789		11
9.	1558788		9



10.	4678501		9
11.	4678504		9
12.	4678505		11
13.	4678503		11
14.	1748477		9
15.	1750276		99

25. The plaintiff also has word mark registrations for the mark HAVELLS with effect from 28th May, 2012, in classes 35 and 37.

26. The sales figures of the plaintiffs by sale of goods bearing the 'HAVELLS' mark, from 2016 to 2024, have been provided in paragraph 21 of the plaint. In the year 2024-25 alone, the plaintiff has earned Rs. 21,756 crores by the sale of such goods. The plaintiffs also claim to have incurred advertisement and promotional expenses of Rs.622 crores for promoting the said brand in the year 2024-25.

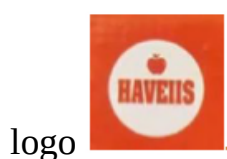
27. In the second week of October 2020, the plaintiffs learnt that defendant no.2 has filed an application for registration of the word marks



“HAVEIIS Leading Towards Innovations” in Class 9 on a ‘*proposed to be used*’ basis.

28. The plaintiffs filed an opposition thereto. Since the defendants chose not to pursue the said application, the same was deemed to be abandoned. The plaintiffs also conducted a market survey in order to procure products bearing the impugned mark ‘HAVEIIS Leading Towards Innovations’. It is stated that despite a thorough and in-depth research, the plaintiffs could not find any product with the aforementioned mark in the market.

29. In the second week of May, 2025, the plaintiffs learnt from their dealers and distributors that certain electrical/electronic products were being sold by the defendants under the impugned mark ‘HAVEIIS’ along with the

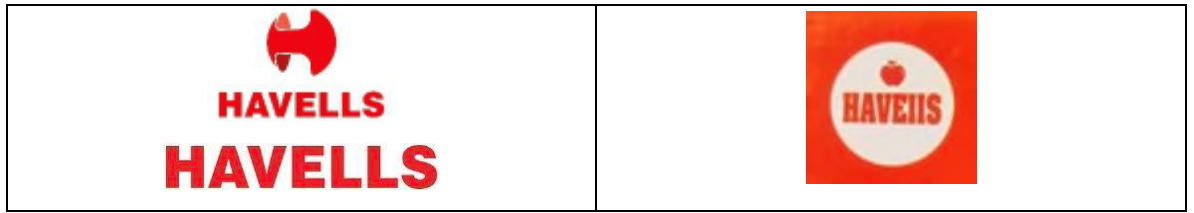


30. The plaintiffs conducted an investigation, which revealed that the defendants are selling their products under the aforesaid marks on various e-commerce platforms such as Amazon and Flipkart.

31. It is also stated that defendants are chronic and habitual offenders, who encash the goodwill of the plaintiffs’ company. During the investigation, the plaintiffs also discovered that the defendant no.3 has also been copying other trademarks of the plaintiffs, details of which are given in paragraph 54 of the plaint.

32. A comparison table between the plaintiffs’ trademark and the impugned marks of the defendants is reproduced below:

Plaintiffs’ Trademark	Defendants’ Impugned Trademark
HAVELLS	HAVEIIS



33. It is evident from the comparison above that the defendants are deceiving the consumers into believing that their products originate from the plaintiffs. The defendants have simply changed the font style of the letter 'L' to the extent that the same may be read as both 'L' and 'I'.

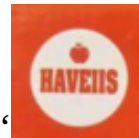
34. The deception on behalf of the defendants is also evident from the packaging used by the defendants. In their packaging, the defendants have mentioned that the products are being marketed by 'Havells Incorporation'. Photographs of the product of the defendants are reproduced below:

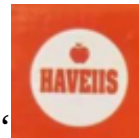




35. On a *prima-facie* view, the impugned marks used by the defendants appear to be deceptively similar to the plaintiffs' 'HAVELLS' mark. Clearly, an attempt has been made by the defendants to create an impression that the defendants are associated with the plaintiffs.

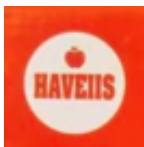
36. Balance of convenience is in favour of the plaintiffs and against the defendants. Irreparable loss, harm and injury would be caused to the plaintiffs if the defendants continue to sell the impugned products bearing

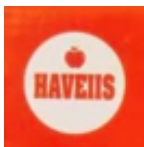


the impugned marks 'HAVEIIS'/'.

Prejudice would also be caused to the public as the impugned marks of the defendants are deceptively similar to the plaintiffs' 'HAVELLS' mark and are likely to cause confusion in the market.

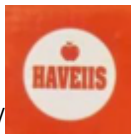
37. Consequently, till the next date of hearing, the defendants, its proprietor/ partners, associates, agents, officers, employees, distributors, franchisees, representatives, servants, affiliates, stockiest and assigns are restrained from using/dealing in any manner with the trademark/trade name



‘HAVEIIS’ / , or any other mark deceptively similar to the

trademark of the plaintiffs ‘HAVELLS’/ , or its derivatives/formatives as trademark/ trade name/ logo/ trading style, or domain name/website.

38. Further, defendants are directed to remove all the listings of the

impugned trademark/trade name/brand/sub-brand ‘HAVEIIS’/  or any other mark identical/deceptively similar to the trademark of the

plaintiffs ‘HAVELLS’  from all websites operated by them (if any), as well as from e-commerce/social media websites such as IndiaMart, Amazon, Flipkart, etc.

39. Defendants are also directed to disclose, on affidavit, the details of manufacturers and suppliers from where the impugned products are being manufactured/sourced by the defendants.

39.1. The aforesaid affidavit shall be filed within two weeks from the date of service.

40. Issue Notice.

41. Notice be issued to the defendants through all permissible modes, including e-mail.

42. Reply be filed within four (4) weeks.

43. Rejoinder thereto, if any, be filed within two (2) weeks thereafter.



44. In view of the fact that the plaintiffs have sought appointment of a Local Commissioner to seize the counterfeit products, the very purpose of grant of *ex-parte* ad interim injunction would be defeated if the defendant is given notice contemplated in Order XXXIX Rule 3 of Code of Civil Procedure, 1908 (hereinafter 'CPC') prior to the execution of the commission. Hence, it is directed that the plaintiffs shall serve notice under Order XXXIX Rule 3 of CPC at the time of execution of the commission which shall not be later than one (1) week from today. The affidavit in terms of Order XXXIX Rule 3 of the CPC shall be filed by the plaintiffs within (1) week thereafter.

45. List before the Joint Registrar on 4th August, 2025 for completion of service and pleadings.

46. List before the Court on 31st October, 2025.

I.A. 13490/2025 (for appointment of Local Commissioner),

47. The present application has been filed under Order XXVI Rule 9 of the CPC seeking appointment of Local Commissioner to visit and inspect the premises of the defendants, make an inventory of all products, labels, packaging/ promotional material, etc. bearing the impugned marks, i.e., the plaintiff's HAVELLS mark or any other mark/ logo/ label/ artistic work identical with or deceptively similar to the plaintiff's HAVELLS mark (hereinafter referred to as 'infringing material') and effect seizure of the same.

48. In view of what is stated above, the plaintiffs have made out a case for appointment of a Local Commissioner.

49. Accordingly, Mr. Ashish Sareen, Advocate (Mobile No. +91 9999040028) is appointed as a Local Commissioner to visit the premises of



the defendants situated at:

*Khasra No 418 Domi,
Near Railway Crossing, 35 Vidya Nagar,
S.A RD 461/12K Sadak Ali,
Hapur, Uttar Pradesh - 245101*

50. The following directions are passed in this regard:

- a. The Local Commissioner, along with a representative of the plaintiffs and their counsel, shall be permitted to enter upon the premises of the defendants mentioned above or any other location/ premises that may be identified during the course of the commission, in order to conduct the search and seizure.
- b. The Local Commissioner shall conduct a search at the defendants' premises and seize the infringing material.
- c. The Local Commissioner shall make an inventory of all the infringing material.
- d. After seizing infringing material, the same shall be sealed and signed by the Local Commissioner, in the presence of the parties, and released on *superdari* to the plaintiffs on their undertaking to produce the same as and when further directions are issued in this regard.
- e. The Local Commissioner shall also be permitted to make copies of the books of accounts, including ledgers, cash registers, stock registers, invoices, books, etc. insofar as they pertain to the infringing material.
- f. The defendants and their representatives are directed to provide full assistance to the Local Commissioner for executing the present



commission.

- g. In case the aforesaid premises of the defendants or any part thereof are found locked, the Local Commissioner is permitted to break open the locks and doors for the execution of the commission.
- h. To ensure an unhindered and effective resolution of this order, the SHO of the local police station having jurisdiction over the aforesaid premises and the DCP concerned are directed to render the necessary protection and assistance to the Local Commissioner, if and when sought.
- i. The Local Commissioner shall have the liberty to take photographs and/ or videos of the stock seized and to take a sample of the infringing material to be filed along with the Report.

51. The Local Commissioner shall file his Report within two (2) weeks of executing the commission, along with photographs/ videos taken and photocopies of the books of account and stock and the inventory procured pursuant thereto.

52. The fee of the Local Commissioner, to be borne by the plaintiffs, is fixed at Rs.1,50,000/-. The plaintiffs shall also bear expenses for travel and lodging of the Local Commissioner and other miscellaneous out-of-pocket expenses for the execution of the commission.

53. The application stands disposed of in the above terms.

54. The order passed today shall not be uploaded for a period of two (2) weeks from today.

55. *Dasti.*

AMIT BANSAL, J

MAY 27, 2025

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