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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 567/2021, CC(COMM)2/2022, I.A. 2117/2023 & I.A. 16442/2023

NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT LTD

.....Plaintiff

Through: Mr. Hemant Singh, Ms. Mamta R. Jha,
Mr. Akhil Saxena and Ms. Palak Batra,
Advocates.

versus

V-GUARD INDUSTRIES LTD

.....Defendant

Through: Mr. Nitin Sharma, Mr. Angad Makkar
and Mr. Abhay Arun, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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15.01.2026

1. After perusing the pleadings and hearing the arguments of learned counsel for the parties, the following issues are framed:-

- i. Whether the Defendant's Matteo switch cover plate design infringes the Plaintiff's registered designs bearing Design Nos. 296178, 296179 & 296180 within the meaning of section 22(1) of the Designs Act, 2000? **OPP**
- ii. Whether the Plaintiff's registered designs as set out in issue no.(1) are invalid and are liable to be cancelled under provisions of Section 19 of the Designs Act, 2000 in terms of grounds raised in the counter claim? **OPD**
- iii. Whether the Plaintiff is guilty of suppression and concealment of material facts? **OPD**
- iv. Whether the Plaintiff is entitled to relief of rendition of accounts of profit illegally earned by the Defendant or in the



alternative damages?

OPP

- v. Whether the Defendant is barred by the principle of estoppels from challenging the validity of the suit designs having itself obtained the design registration bearing registration no. 303409?

OPP

- vi. Relief, if any.

2. Apart from the aforesaid, no other issue appears to be liable to be framed nor have the parties insisted on any other issue for the suit as also the counter claimant.

3. Let the list of witnesses be filed by the parties within 15 days from date.

4. The parties are directed to file their affidavits of evidence of their witnesses within six weeks with advance copies to be exchanged between themselves.

5. The recording of the evidence shall commence on behalf of the plaintiff in CS(COMM) 567/2021, with the right of rebuttal reserved for a later stage.

6. At the request of the parties, **Mr. Chittaranjan Hati, Advocate** [Mobile No.9811341053] is appointed as the Local Commissioner for recording of evidence in these proceedings. In this regard, following directions are hereby passed:-

- a) The fee of the Local Commissioner will be borne by the party, whose witness is under examination and the fees of the Local Commissioner is fixed at an hourly rate of Rs.15,000/- per hour.
- b) The evidence will be recorded by the Local Commissioner within the High Court Precincts.
- c) The parties shall provide full assistance to the Local Commissioner for recording of evidence.
- d) No unnecessary adjournment is granted to any of the parties.



- e) The Local Commissioner shall record the evidence within 6 months from the first date of recording of evidence, as per with the Guidelines approved by the High Court of Delhi on 01.07.2024.
- f) The registry is directed to send the present order alongwith the copy of the Guidelines via email to Local Commissioner for information, besides a hard copy to be supplied through plaintiff's/defendant's counsel.
- g) No hearing fee will be payable on the dates when the matter is simplicitor adjourned on joint request, subject to parties duly informing the Local Commissioner at least 24 hours in advance; or else the session fees will be payable by the party seeking adjournment.
7. List the matter before the learned Local Commissioner for fixing the dates for recording of evidence on 22.01.2026.
8. List for supervising the progress of evidence before Joint Registrar (Judicial) on 24.03.2026.
- I.A. 2117/2023 (Stay) & I.A. 16442/2023 (Vacation of Interim Order)**
9. In respect of the aforesaid application, the parties have submitted that written submissions have already been filed. However, the same are not on record. Learned counsel for the parties are requested to ensure that the written submissions are on record before the next date of hearing.
10. Parties requested and are granted four weeks' time to place on record the joint convenience compilation.
11. List before this Court on 29.04.2026.

TUSHAR RAO GEDELA, J

JANUARY 15, 2026

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