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

+ **CS(COMM) 271/2018**

SOCIETE DES PRODUITS NESTLE,S.A & ANRPlaintiffs

Through: Mr. Manish Kumar Mishra, Ms. Akansha Singh, Mr. Saransh Saini and Ms. Niharika Kapoor, Advocates.

versus

MOHD ZAHID AND SONS & ORSDefendants

Through: Mr. Vikram Jetly, CGSC with Ms. Shreya Jetley, Advocate for Ministry of Health & Family Welfare.
Mr. Saurabh Rajpal, Mr. Arpit Bamal and Mr. Vinay Kumar Singh, Advocates for D-167.
Mr. J.K. Nayyar, Advocate for D-190 and D-191

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

11.11.2025

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I.A. 27973/2025

1. The present Application has been filed under Section 151 of the Code of Civil Procedure, 1908 seeking permission of this Court for conducting Local Commission.
2. The learned Counsel for the Plaintiffs submits that this Court *vide* Order dated 28.11.2014 was pleased to grant an *ex-parte ad-interim* injunction restraining the Defendants from manufacturing, selling, offering for sale, advertising directly or indirectly dealing in counterfeit 'NESCAFE' products. It is further submitted that *vide* Order dated 15.12.2023 this Court had directed that the Plaintiffs can file an Affidavit before the learned Joint Registrar as



and when the information about any party engaged in counterfeiting activities is received and on satisfying the learned Joint Registrar, the Plaintiffs may be permitted to conduct the Local Commission on such identified premises and thereafter, the said party may be impleaded as a Defendant in the present Suit.

3. Pursuant to the Order dated 15.12.2023, the Plaintiffs filed I.A. 1739/2024 seeking permission of learned Joint Registrar for conducting Commission as the Joint Registrar expressed inability to issue any direction in terms of the Order dated 15.12.2023 without a formal Application on record.

4. This Court *vide* Order dated 23.01.2024 observed that although I.A. 1739/2024 ought to have been placed before the learned Joint Registrar for appropriate orders, in view of the urgency expressed the said Application was allowed by granting the Plaintiffs permission to conduct the Local Commission in terms of Order dated 15.12.2023.

5. Thereafter, the Plaintiffs filed another Application being I.A. 2601/2024 for seeking permission to conduct Local Commission. This Court *vide* Order dated 05.02.2024 directed to list the said Application for appropriate orders before the Joint Registrar on 06.02.2024 in terms of directions issued *vide* Order dated 23.01.2024.

6. On 06.02.2024, the learned Joint Registrar allowed I.A. 2601/2024 and granted permission to carry out Local Commission in terms of Order dated 15.12.2023.

7. Similarly, the learned Joint Registrar allowed I.A. 8096/2024, I.A. 39344/2024, I.A. 43801/2024, I.A. 45656/2024, I.A. 46708/2024, I.A. 49654/2024 and I.A. 294/2025 *vide* orders dated 09.02.2024, 12.09.2024, 29.10.2024, 21.11.2024, 29.11.2024, 23.12.2024 and 08.01.2025 respectively



and granted permission to the Plaintiffs to execute Local Commissions in terms of Order dated 15.12.2023.

8. The Plaintiffs also filed I.A. 3797/2025 and I.A. 6418/2025 pursuant to the liberty granted *vide* Order dated 15.12.2023. This Court *vide* Orders dated 13.02.2025 and 10.03.2025 respectively observed that though the same Applications were required to be listed before the learned Joint Registrar, in view of the urgency the said Applications were taken up by this Court and the new Local Commissioners were appointed without extension of their powers.

9. The learned Counsel for the Plaintiffs has submitted that the Plaintiffs have come to know on 04.11.2025 that a few wholesalers and retailers are engaged in sale of counterfeit 'NESCAFE' products in Delhi and Gurugram. Further, the Plaintiffs have come to know on 05.11.2025 that a few wholesalers and retailers are engaged in sale of counterfeit 'NESCAFE' products in Sri Ganganagar, Rajasthan.

10. The learned Counsel for the Plaintiffs submitted that in view of the urgency, this Court may be pleased to allow this Application and appoint two Local Commissioners to conduct the Local Commissions.

11. Considering the previous orders passed in this Suit, the present Application is not maintainable before this Court and is required to be filed before the learned Joint Registrar in terms of Order dated 15.12.2023.

12. The Orders dated 13.02.2025 and 10.03.2025 were passed by this Court while specifically observing that the Applications ought to have been listed before the learned Joint Registrar, however, due to urgency expressed by the Plaintiff the Court had appointed new Local Commissioners.

13. As Order dated 15.12.2023 clearly directed that any subsequent Applications shall be filed before the learned Joint Registrar, it is clarified that



the present Application shall be considered by the learned Joint Registrar, who shall pass appropriate orders in terms of Order dated 15.12.2023 and previous orders passed by the learned Joint Registrar from time to time in similar Applications as mentioned in Paragraph No. 7 above.

14. The purpose of Order dated 15.12.2023 was to avoid successive applications being filed before the Court and, thereafter there was specific direction to relegate to the learned Joint Registrar.

15. Accordingly, this Application is disposed of with a liberty to the Plaintiffs to move an appropriate Application before the learned Joint Registrar for passing appropriate orders as directed in Order dated 15.12.2023.

16. It is further directed that the Plaintiffs shall strictly comply with the directions in the Order dated 15.12.2023 and any further Applications shall be filed before the learned Joint Registrar only and not before the Court.

17. The Application stands disposed of with the aforesaid directions.

TEJAS KARIA, J

NOVEMBER 11, 2025

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