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

+ **CS(COMM) 629/2025**

HINDUSTAN UNILEVER LIMITEDPlaintiff

Through: Mr. Saikrishna Rajagopal, Mr. Vivek
Ayyagari & Mr. Abhinav Bhalla,
Adv.

Versus

RSPL LIMITEDDefendant

Through: Mr. C.M. Lall, Sr. Adv. with Mr. S.K.
Bansal, Mr. Ajay Amitabh Suman,
Mr. Rishabh Gupta & Ms. Ananya,
Adv.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

06.08.2025

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IA No.19007/2025

1. This is an Application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 (“**CPC**”) read with Section 2(b) of the Contempt of Courts Act, 1971 (“**Act**”) for wilful disobedience of the Order dated 20.06.2025 passed in IA No. 14815/2025 (“**Order**”).

2. The operative portion of the Order reads as under:

“34. Under such circumstances, though comparative advertising by itself could be healthy, remarks that are derogatory and defamatory, would not be permissible and therefore, as an ad-interim arrangement, this Court is prima facie inclined to direct the Defendant to remove the following phrases which are clearly derogatory and make negative innuendos qua the Plaintiff’s ‘Surf Excel’ product, from the impugned advertisements:

- *‘Aapka kare badi badi baatein par dho nahi paate’*
[‘Your product makes tall claims but cannot wash’]
- *‘Iske jhaag acche hai, daam acche hai’*
[‘Its foam is good, price is good’]- Expressions which



clearly refers to the Plaintiff's product prima facie and appear to be derived from the 'Daag ache hai' campaign of the Plaintiff]

- *'Na Na, yeh dhoka hai'*
['No, No, this is a fraud (product) ']

35. *The Defendant shall carry out the proper amendments in the impugned advertisements by 24th June 2025 and only then telecast/broadcast the impugned commercials."*

3. The learned counsel for the Plaintiff submits that despite the clear direction given in the Order, the Defendant has published advertisements on 21.07.2025 and 28.07.2025 that specifically attract and target the 'XL Blue' designation through escalating disparaging advertisements. The learned Counsel for the Plaintiff submits that the supplementary advertisement published by the Defendant is clearly violative of the directions contained in the Order and is wilful disobedience of the directions given by this Court. A comparative analysis of the impugned advertisement dealt by the Order and the supplementary advertisements is as under:

IMPUGNED ADVERTISEMENTS ADDRESSED VIDE ORDER DATED 20.06.2025	NEW IMPUGNED ADVERTISEMENT	IDENTICAL EFFECT
'dho nahi paate' (cannot wash)	'dhulai mein fail hi fail'	Categorical washing Inefficacy claims
'Na Na, yeh dhoka hai' (fraud)	Large 'FAIL' stamp	Visual fraud/failure allegation
XL Blue targeting	'Naam mein XL' targeting	Identical brand identification method
Derogatory washing claims	Categorical failure assertions	Same disparaging commercial objective
Systematic disparagement	Coordinated visual + textual attack	Identical brand destruction strategy



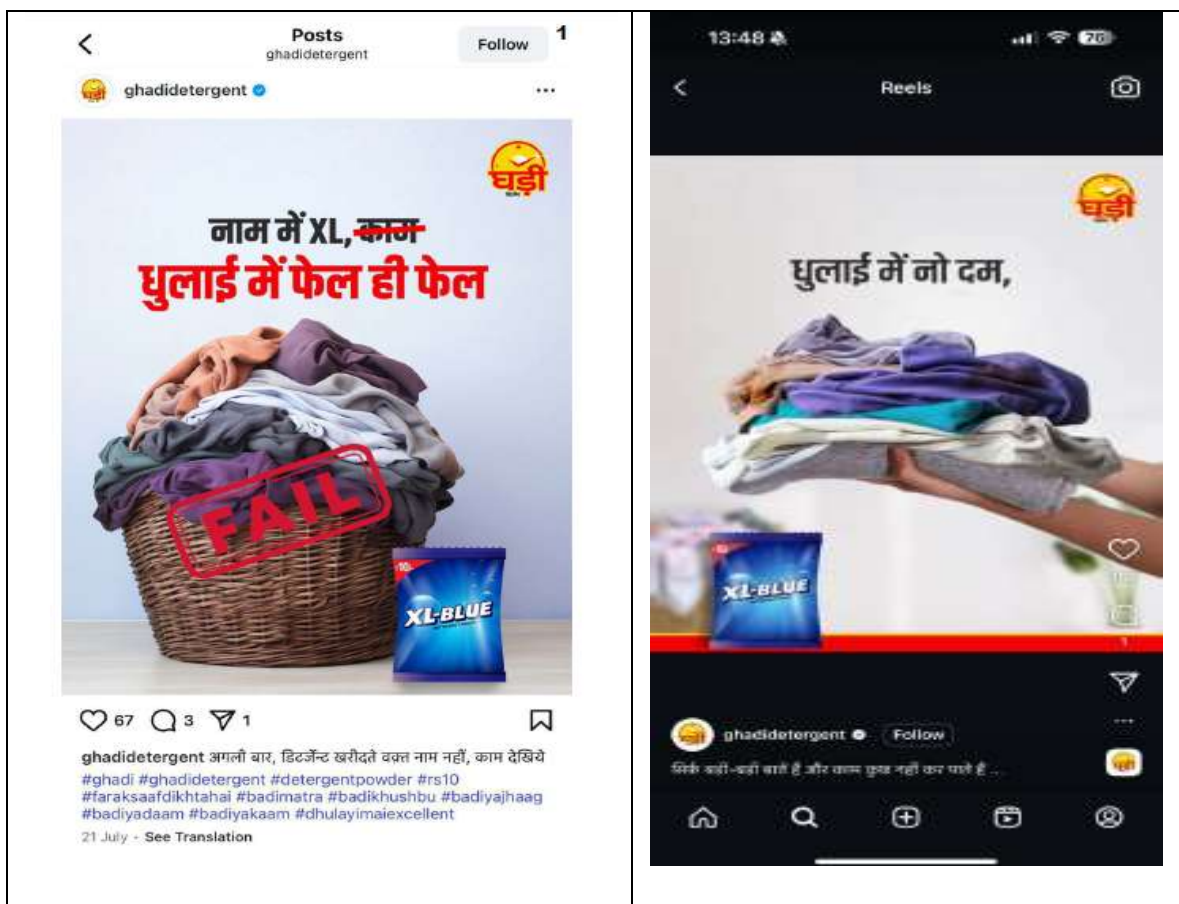
IMPUGNED ADVERTISEMENTS ADDRESSED VIDE ORDER DATED 20.06.2025	SECOND NEW IMPUGNED ADVERTISEMENT	IDENTICAL EFFECT
<i>‘Aapka kare badi badi baatein par dho nahi pate’</i> (Makes big claims but cannot wash)	<i>‘Sirf badi-badi baatein hain aur kaam kuch nahin kar paate hain’</i> (It’s all big talk / claims, but cannot do any work)	Identical <i>‘big claims v poor performance’</i> narrative
<i>‘dho nahi paate’</i> (cannot wash)	<i>‘dhulani mein no dum, maatra bhi mile kam’</i> (No power in washing, and you get less quantity too)	Categorical washing inefficacy + product inferiority claims.
<i>‘XL Blue’</i> visual targeting with dismissive context	Identical <i>‘XL Blue’</i> packaging with <i>‘REJECTED’</i> stamp	Identification method with enhanced visual condemnation.
Shopkeeper’s contemptuous dismissal	Large <i>‘REJECTED’</i> stamp over blue detergent	Visual fraud/failure allegation with official rejection imagery
TV/Digital broadcast targeting market leader	Instagram post stating - <i>‘sir fbadi-badi baatein’</i>	Identical market leader disparagement strategy
Systematic comparative disparagement	Coordinated visual + textual attack amplified through social media	Same brand destruction methodology with digital amplification

4. Issue Notice.

5. The learned Counsel for the Defendant / Contemnor No. 3 accepts Notice.



6. The learned Senior Counsel for the Defendant / Contemnor No. 3 makes a statement, on instructions, that the Defendant / Contemnor No. 3 shall cease to publish, display and upload the supplementary advertisements on any public platforms, media channels, social media etc. and also undertakes to remove the following supplementary advertisements from public platforms, media channels, social media, etc.:



7. The statement on behalf of the Defendant / Contemnor No. 3 is taken on record and the Defendant / Contemnor No. 3 is bound down by the said statement till the next date of hearing.

8. Let Reply be filed within a period of three weeks. Rejoinder thereto, if any, be filed within a period of ten days thereafter.



9. List on 10.09.2025, the date already fixed.

AUGUST 6, 2025
'gsr'

TEJAS KARIA, J