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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 647/2019 & I.As. 16693/2019, 16694/2019.**
ITC LIMITED Plaintiff

Through: Mr. Sudeep Chatterjee, Mr. Rohan Swarup, Ms. Tanya Arora and Ms. Anjalika Arora, Advocates.

versus

RAJ KUMAR MITTAL & ORS. Defendants

Through: Mr. Pawan Malik, Advocate for Respondent No. 1/ Contemnor No. 1 along with Mr. Prem Chand Mittal, in person.
Mr. Vipul Kr. Sharma, Advocate for Respondent No. 2/ Contemnor No. 2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
03.03.2023

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CCP(O) 9/2020 (u/Sections 11 & 12 of the Contempt of Courts Act, 1971, for deliberate disobedience of the injunction order dated 28th November, 2019)

1. Pursuant to order dated 20th January, 2023, Contemnor No. 1 – Mr. Prem Chand Mittal, is present in the Court today. Mr. Pawan Malik, counsel states that although Mr. D.K. Rustagi, counsel earlier representing Contemnor No. 1's has filed a joint reply, however it does not specifically deal with allegations against Contemnor No. 1. He further states that Plaintiff has selectively relied upon the footage of the videography done by



the Local Commissioner, at the time of execution of the commission. In order to effectively defend the allegations, Contemnor No. 1 should be provided a copy of the complete videography. He seeks permission of the Court to file a separate reply to the above contempt petition.

2. Mr. Sudeep Chatterjee, counsel for Plaintiff states that he has a copy of videography of the commission, as provided by the Local Commissioner, and he shall supply a copy thereof to Mr. Malik.

3. Considering the above, Mr. Chatterjee is directed to provide the un-edited video footage/ video content of the execution of the commission, as provided by the Local Commissioner, to Mr. Malik within one week from today. Contemnor No. 1 is granted four weeks' time from the date of receipt of copy of the videography, to file a reply to the contempt petition.

4. On the next date of hearing, Mr. Prem Chand Mittal shall remain present in Court.

5. Re-notify on 23rd May, 2023.

CS(COMM) 647/2019

6. Mr. Chatterjee further points out that Defendants are continuing to advertise/ list their products on IndiaMART (B2B marketplace) under the impugned packaging and are not using the packaging for which the Court has granted permission *vide* order dated 20th January, 2022. To this, Mr. Vipul Kr. Sharma, counsel for Defendant No. 1, on instructions, states that Defendant No. 1 is not in the business of manufacturing atta anymore; nonetheless he will take immediate steps to take down the listings on IndiaMART.

7. Mr. Chatterjee further submits that the Local Commissioner had



recovered large quantities of impugned packaging, which has been handed over on *superdari* to Defendant No. 1 and apprehends that Defendant No. 1 is perhaps still using the same in light of the IndiaMART listing. Defendant No. 1 [Mr. Raj Kumar Mittal] is directed to file an affidavit confirming that packaging, which was seized by Local Commissioner, are lying intact and there has been no pilferage.

8. Re-notify on 17th April, 2023.

SANJEEV NARULA, J

MARCH 3, 2023

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