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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 823/2025**
IMPRESARIO ENTERTAINMENT AND HOSPITALITY PVT.
LTD.Plaintiff

Through: Ms. Shikha Sachdeva, Ms. Kriti Rathi,
Mr. Jaskaran Singh Bindra & Ms.
Annie Jacob, Advocates.

versus

M/S. ASB FOODSDefendant
Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
12.08.2025

I.A. 19552/2025 (Exemption from filing original documents)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 19551/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

3. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to Commercial Suits under the Commercial Courts Act, 2015 (“CC Act”) seeking leave to place on record additional documents.
4. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
5. Accordingly, the Application stands disposed of.



I.A. 19553/2025 (Exemption from pre-institution Mediation)

6. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.
7. As the present matter 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.

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9. Let the Plaint be registered as a Suit.
10. Issue Summons to the Defendant through all permissible modes upon filing of the Process Fee.
11. The Summons shall state that the Written Statement shall be filed by the Defendant within 30 days from the date of the receipt of Summons. Along with the Written Statement, the Defendant shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement shall not be taken on record.
12. Liberty is granted to the Plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiff, without which the Replication shall not be taken on record.
13. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
14. If any of the Parties wish to seek inspection of any documents, the same



shall be sought and given within the prescribed timelines.

15. List before the learned Joint Registrar on 16.10.2025 for completion of service and pleadings.

I.A. 19550/2025 (U/O XXXIX Rule 1 & 2 of CPC)

16. Issue Notice through all permissible modes upon filing of the Process Fees.

17. The present Suit has been filed for permanent injunction restraining infringement of the registered Trade Mark, 'SOCIAL' along with other ancillary reliefs.

18. The Plaintiff is a company incorporated under Companies Act, 1956 and existing under Companies Act, 2013, having its Registered Office in Mumbai and carrying out business in Delhi from its Corporate Office at 12 Hauz Khas Village, New Delhi, India – 110016.

19. The Plaintiff is engaged in providing restaurant services, including but not limited to managing and operating restaurants and coffee shops and providing expertise relating to the provisions of food and drink.

20. The learned Counsel for the Plaintiff submitted that the Plaintiff has set up and is managing and operating 54 restaurants / bars pan-India under the Trade Mark 'SOCIAL'. The Plaintiff also owns and operates an exclusive website at www.socialoffline.in. The Plaintiff in India, is the registered proprietor of the Trade Mark 'SOCIAL' and its variants in Classes 43, 42, 41, 35, 33, 32, 30, 25, 21, 16 and 09, the details of which have been tabulated as mentioned in Paragraph No. 12 of the Plaint are reproduced as hereunder:

S.No.	Trade Mark	Reg. No.	Class	Date of Application	Date of Use
1	SOCIAL	3544303	43	May 8, 2017	February 01, 2014



2	सोशल	3387388	43	October 14, 2016	August 06, 2014
3	WHITEFIELD SOCIAL	3162945	43	January 19, 2016	December 05, 2015
4	S(OCIAL	2736070	43	May 13, 2014	March 03, 2014
5	SOCIAL OFFLINE	2781072	43	July 25, 2014	February 01, 2014
6	Def. Col. S(OCIAL	2952954	43	April 29, 2015	March 27, 2015
7	Todi Mill S(OCIAL	2975785	43	June 01, 2015	May 11, 2015
8	PALLADIUM S(OCIAL	3051177	43	September 09, 2015	September 03, 2015
9	खार S(OCIAL	3101090	43	November 19, 2015	October 29, 2015
10	ODEON S(OCIAL	3162950	43	January 19, 2016	January 15, 2016
11	नेहरू प्लेस S(OCIAL	3294401	43	June 27, 2016	May 18, 2016
12	CAPITAL S(OCIAL	3294399	43	June 27, 2016	April 18, 2016
13	FUN REPUBLIC S(OCIAL	3311928	43	July 18, 2016	June 21, 2016
14	गोरगाँव S(OCIAL	3360167	43	September 12, 2016	August 21, 2016
15	KORAMANGALA S(OCIAL	3387390	43	October 14, 2016	August 25, 2016



16	S(Work From Home)SOCIAL	3387383	43	October 14, 2016	February 24, 2014
17	CYBER HUB S(Work From Home)SOCIAL	3387391	43	October 14, 2016	September 07, 2016
18	VERSOVA S(Work From Home)SOCIAL	3505679	43	March 04, 2017	December 31, 2016
19	SECTOR-7 S(Work From Home)SOCIAL	3723935	43	January 10, 2018	December 28, 2017
20	विमान नगर S(Work From Home)SOCIAL	3798565	43	April 06, 2018	March 05, 2018
21	CARTER ROAD S(Work From Home)SOCIAL	3859519	43	June 14, 2018	May 24, 2018
22	SARJAPUR S(Work From Home)SOCIAL	4024553	43	December 12, 2018	October 26, 2018
23	वसंत कुंज S(Work From Home)SOCIAL	4098958	43	February 25, 2019	January 18, 2019
24	F. C. ROAD S(Work From Home)SOCIAL	4098960	43	February 25, 2019	February 01, 2019
25	NOIDA S(Work From Home)SOCIAL	4410223	43	January 16, 2020	November 29, 2019
26	MOCHA SOCIAL HOUSE	2382253	43	August 21, 2012	August 08, 2012
27	antiSOCIAL	2830081	43	October 20, 2014	Proposed to be used
28	SOCIAL SELFIE	3082317	43	October 20, 2015	Proposed to be used
29	MOCHA SOCIAL	2382250	43	August 21, 2012	August 08, 2012
30	SOCIAL OFFLINE	2781081	43	July 25, 2014	February 01, 2014
31	CHEMBUR S(Work From Home)SOCIAL	5310136	43	February 02, 2022	August 30, 2021



32	POWAI S()CIAL	4402040	43	August 01, 2020	November 13, 2019
33	THANE S()CIAL	5001192	43	June 11, 2021	November 20, 2020
34	INDIRANAGAR S()CIAL	5001194	43	June 11, 2021	February 21, 2020
35	DWARKA S()CIAL	5001195	43	June 11, 2021	October 11, 2020
36	MOUNT ROAD S()CIAL	5001190	43	June 11, 2021	February 09, 2020
37	S()CIAL WORKS CREATORS - CONNECT - COLLABORATE	4048792	43	July 07, 2019	August 22, 2018
38	RING ROAD S()CIAL	5001196	43	June 11, 2021	March 01, 2021
39	WAGLE ESTATE S(#)CIAL	5310140	43	February 02, 2022	December 13, 2021
40	CHURCH STREET S()CIAL	2736081	43	May 13, 2014	March 03, 2014
41	VASHI S()CIAL	5001191	43	June 11, 2021	January 17, 2020
42	साकेत S()CIAL	5310138	43	February 02, 2022	Proposed to be used
43	MALAD S()CIAL	5310134	43	February 02, 2022	December 01, 2021
44	HAUZ खास S()CIAL	5463341	43	May 26, 2022	February 01, 2014



45		6038728	43	July 26, 2023	December 23, 2022
46		6060251	43	August 10, 2023	April 01, 2023
47		6164199	43	October 26, 2023	February 24, 2023
48		6164202	43	October 26, 2023	August 11, 2023
49		6244805	43	January 03, 2024	January 12, 2023
50		6244807	43	January 03, 2024	October 20, 2023
51		4048793	43	January 07, 2019	August 22, 2018
52		5985765	43	June 19, 2023	May 20, 2023
53		6038727	43	July 27, 2023	July 09, 2023

21. The learned Counsel for the Plaintiff submitted that the depiction of the Trade Mark 'SOCIAL' in the stencil font '

22. The learned Counsel for the Plaintiff submitted that the Plaintiff's Trade Mark 'SOCIAL' has an extensive and widespread social media presence. The Plaintiff is active on social networking sites such as Instagram, Facebook, X and YouTube. The Plaintiff's restaurants are also listed on several third-party restaurant search engine guides such as Zomato, Swiggy, Dineout, Eazydiner etc. Moreover, the Plaintiff's restaurants / bars also



deliver food / beverages through its own website, <https://order.socialoffline.in/>, dedicated specifically to online food delivery services.

23. The learned Counsel for the Plaintiff further submitted that the Plaintiff extensively advertises its Trade Mark ‘SOCIAL’ and its variants. The promotional expenses incurred by the Plaintiff solely in the Financial Year 2023-2024 has been ₹29,93,18,789/- (Rupees Twenty Crores Ninety Three Lakhs Eighteen Thousand Seven Hundred Eighty Nine Only). The turnover of the Plaintiff has been on the rise as the total revenue for the Financial Year 2023-2024 has been ₹475,17,86,921/- (Rupees Four Hundred Seventy Five Crores Seventeen Lakhs Eighty Six Thousand Nine Hundred Twenty One Only).

24. The learned Counsel for the Plaintiff submitted that on account of such continuous, extensive and exclusive use and publicity by the Plaintiff, the Trade Mark ‘SOCIAL’ of the Plaintiff has acquired immense goodwill, reputation and fame, such that the use of any identical and / or deceptively similar mark / name, especially comprising of the word ‘SOCIAL’ by another trader not connected to the Plaintiff, in respect of any goods or services, is bound to cause confusion and deception in the minds of the consumers.

25. The learned Counsel for the Plaintiff submitted that the Plaintiff sometime in the year 2024 found out that the Defendant is operating a restaurant / bar / lounge under the Trade Mark ‘THE SOCIAL SIP / THE

SOCIAL SIP DINE & LOUNGE’ / ‘’, / ‘’,
 (“**Impugned Trade Marks**”) in Ghaziabad, Uttar Pradesh.



26. The learned Counsel for the Plaintiff submitted that an internet search disclosed that the Defendant is advertising / promoting its restaurant / bar / lounge with the Impugned Trade Marks through social networking platforms being Instagram and Facebook as well as through interactive restaurant search engine guides being Zomato and Swiggy and third-party websites being Dineout, Eazy Diner, Magicpin, Google Maps.

27. A comparison between the Trade Marks of the Plaintiff and the Impugned Trade Marks of the Defendant are reproduced hereunder:

Plaintiff's Trade Marks	Defendant's Trade Marks
SOCIAL	THE SOCIAL SIP DINE & LOUNGE
 /  / 	 /  /  / 
<u>Points of Similarity:</u> a. The Defendant has infringed the Plaintiffs registered trade mark 'SOCIAL' in its entirety; b. The manner of prefixing and / or suffixing the trade mark 'SOCIAL' with another word, in this case being 'SIP' is identical to the Plaintiffs concept of prefixing / suffixing the trade mark 'SOCIAL'; c. The stencil format used by the Defendant to write SOCIAL is identical to the trade mark of the Plaintiff; d. The font, style and manner of representing the trade mark 'SOCIAL' is identical	



- and / or confusingly similar to that adopted, used and registered by the Plaintiff;
- e. The services provided by the Plaintiff and Defendant are identical and target the same audience/members of trade and public; and
 - f. An average consumer with an imperfect recollection is likely to be deceived into thinking that the Plaintiff has opened another SOCIAL outlet in Ghaziabad, Uttar Pradesh, on account of the identity between the rival trade marks and the extensive presence of the Plaintiffs 'SOCIAL' outlets pan-India, especially in Delhi-NCR and Uttar Pradesh.

28. The learned Counsel for the Plaintiff submitted that being aggrieved by the adoption of the Impugned Trade Marks, the Plaintiff through its attorney filed takedown complaints with third-party websites, being Zomato on 24.08.2024 and Swiggy on 19.09.2024. The Plaintiff also issued a Cease and Desist Notice dated 03.09.2024 demanding cessation of the Plaintiff's Trade Mark 'SOCIAL', as part of its Trade Mark / Trade Name and to takedown the Impugned Trade Marks from all online and offline listings / platforms / channels. Since no response was received by the Plaintiff to the said Notice, the Plaintiff issued a follow-up Notice dated 05.12.2024 to the Defendant to cease the use of the 'SOCIAL' Mark belonging to the Plaintiff. Despite no response and action taken by the Defendant, the Plaintiff issued another follow-up Notice dated 09.12.2024, however, no response was given by the Defendant.

29. The learned Counsel for the Plaintiff further submitted that upon conducting a search of the records maintained by the Trade Mark Registry, the Plaintiff found that the Defendant has filed Trade Mark Application No.



6667392 for ‘**THE SOCIAL SIP**’ in Class 43 on 14.10.2024 on a ‘proposed to be used’ basis. The details of the Trade Mark Application bearing number 6667392 are reproduced as hereunder:

Trade Mark	Application No.	Application Date	User Claim	Status
	6667392	14/10/2024	Proposed to be used	Formalities Check Pass
Class 43: <i>Serving food and drink, Services for providing food and drink, Restaurant services, Restaurant, bar and cocktail lounge services, Providing of food and drink.</i>				

30. The learned Counsel for the Plaintiff submitted that in the first week of July, 2025, the Plaintiff once again conducted internet searches into the Defendant’s use of the Impugned Trade Marks, and found that despite multiple Cease and Desist Notices, the Defendant is continuing to advertise and use the Impugned Trade Marks.

31. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record, a *prima facie* case has been made out by the Plaintiff for grant of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiff and against the Defendant. Irreparable injury would be caused to the Plaintiff if the Defendant is allowed to continue to use the Impugned Trade Marks.

32. Accordingly, the Defendant, their proprietors, partners or directors, as the case may be, their principal officers, servants, distributors, dealers and



agents, and all others acting for and on behalf of the Defendant, are restrained from selling, marketing, supplying, offering for sale, advertising, directly or indirectly dealing in any of the services under the Impugned Trade Marks ‘THE SOCIAL SIP / THE SOCIAL SIP DINE & LOUNGE’ / ‘



, / ‘ and or any other Trade which may be identical to or deceptively similar with the Plaintiff’s registered Trade Mark ‘SOCIAL’ so as to cause infringement of Trade Mark and infringement of Copyright.

33. Let the Reply to the present Application be filed within four weeks. Rejoinder thereto, if any, be filed before the next date of hearing.

34. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

35. List before this Court on 27.11.2025.

TEJAS KARIA, J

AUGUST 12, 2025

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