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

+ **CS(COMM) 922/2025 & I.A. 21397-21402/2025**

KEI INDUSTRIES LIMITED

.....Plaintiff

Through: Mr. Jayant Mehta, Sr. Adv. with Mr.
Pallav Palit, Mr. Arnav Dasgupta and
Mr. Shashank Shekhar Mishra, Advs.

versus

MR RAMCHAND AILDAS

TEKCHANDANI & ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **01.09.2025**

I.A. 21398/2025 (for exemption)

1. This application under Section 151 of the Code of Civil Procedure, 1908 ['CPC'], has been filed by the plaintiff seeking exemption from filing original/certified copies of documents mentioned at paragraph no. '4' of the captioned application.
2. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act, 2015, and the Delhi High Court (Original Side) Rules, 2018.
3. The certified copies of the documents be filed within four (4) weeks.
4. Accordingly, the application stands disposed of.



I.A. 21399/2025 (for exemption)

5. This application under Section 151 of the CPC has been filed by the plaintiff seeking exemption from filing typed copies of the documents with a sufficient left side margin.
6. The typed copies of the documents with a sufficient left side margin be filed within four (4) weeks.
7. Accordingly, the application stands disposed of.

I.A. 21401/2025 (for exemption)

8. This application under Section 151 of the CPC has been filed by the plaintiff seeking exemption from filing typed copies of certain dim documents mentioned at paragraph no.2 of the captioned application.
9. The typed copies of the dim documents be filed within four (4) weeks.
10. Accordingly, the application stands disposed of.

I.A. 21402/2025 (seeking exemption from service to the defendants)

11. The present application has been filed under Section 151 of CPC, on behalf of the plaintiff seeking exemption from service to the defendants
12. In view of the fact that the plaintiff has sought an ex parte ad-interim injunction along with the appointment of a Local Commissioner, the exemption from effecting service upon the defendants at this stage is granted.
13. Accordingly, the application stands disposed of.

CS(COMM) 922/2025

14. The present suit has been filed seeking a permanent injunction restraining infringement of the plaintiff's well-known registered trademarks/trade-dress passing off, copyright, and other ancillary reliefs.
15. Let the plaint be registered as a suit.



16. Summons be issued to the defendants by all permissible modes on filing of process fee. An affidavit of service be filed within two (2) weeks.

17. The summons shall indicate that the written statements must be filed within thirty (30) days from the date of receipt of the summons. The Defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

18. The plaintiff is at liberty to file replications thereto within thirty (30) days after filing the written statements. The replication shall be accompanied by an affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

19. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

20. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

21. List before the learned Joint Registrar (J) on **13.10.2025**.

22. List before Court on **27.02.2026**.

I.A. 21397/2025 (Under Order XXXIX Rules 1 and 2 CPC)

23. This is an application on behalf of the plaintiff under Order XXXIX Rules 1 and 2 of CPC, 1908, read with Section 151 of CPC, seeking the grant of an ad-interim injunction against the defendants.

24. Learned senior counsel for the plaintiff sets up the plaintiff's case as under:

24.1 The plaintiff, Kei Industries Limited, is a Public listed company which was established in the year 1968, and has been engaged in the business of manufacturing and selling wires and cables, and is ranked



amongst the top three cable manufacturing companies in India.

24.2 The plaintiff is the registered proprietor of the trademark “KEI” as a word in class 9 in relation to “Wires and cables (electric and telecommunication)”. The said mark was registered in favour of the plaintiff in India on 27.09.1988 under registration no. 498435. In 2007, the plaintiff conceptualised the logo  and obtained the registration for the said logo in classes 6 and 9. The plaintiff has also secured registrations for various formative logo/label/device marks adopted and used by the plaintiff in relation to its business, details of which are at paragraph 15 of the plaint.

24.3 The plaintiff also reserves the exclusive rights over the artistic work/title of "KEI" and their formative titles by virtue of registration vide nos. A- 126713/2018, A-126714/2018, A-126715/2018, A-157216/2025, and 15724/2025 under the provisions of the Copyright Act, 1957, details of which are at paragraph 15 of the plaint.

24.4 The plaintiff's mark ‘KEI’ (word) and  (device) has also been declared as a well-known mark¹ by the Trade Mark Registry vide journal no 2144 dated 19.02.2023.

24.5 The plaintiff has emerged as a top player in the retail house wire segment and the trademark/brand “KEI” and has achieved recognition through its robust network of more than 2080 dealers, 26 depots, 34 branches spread across all the corners of India.

24.6 In the last financial year, i.e., in 2024-25 itself, revenue of almost Rs. 9735.88 crores were earned by the plaintiff company as mentioned at paragraph no. ‘19’ of the plaint.

¹ Copy of Trade Mark Journal no. 2144 is annexed as Document no. 17 filed along with the plaint.



24.7 The plaintiff has invested substantial amounts in marketing its goods under its registered trademarks. In the financial year 2024-25, a total amount of Rs. 47.82 crores have been spent on advertising, as mentioned in paragraph 20 of the plaint.

24.8 The plaintiff, at paragraph '22' of the plaint, has mentioned the sales revenue earned through the international exports under its trademark, demonstrating its international business and the consequential goodwill and trans-border reputation.

24.9 It is the case of the plaintiff that in May and June 2025, the plaintiff came across the counterfeit house wire product, which has identical product packaging as that of the plaintiff's, sub-brand i.e., "HOMECAB" range of wires.

24.10 Plaintiff found that defendant No. 1 has secured a registration of the word mark 'KE ONE' under Application No. 5449083 filed on 16.05.2022 on a 'proposed to be used' basis in class 9. The said counterfeit products

labelled with a deceptively similar mark  ("Impugned mark") were found by the plaintiff's representative at the locations of defendants nos. 2, 3 and 4. The photograph of the impugned product as set out at paragraph 41 of the plaint is as under:



24.11 Plaintiff could not find any registration or application for registration



of logo mark KE1/  in the name of defendant no. 1.

24.12 The defendants are infringing the trademark rights of the plaintiff under Section 29(1)(2) of the Trade Marks Act, 1999, and plaintiff's copyright under the Copyright Act, 1957 as well as passing off its goods for the goods of the plaintiff.

24.13 Reliance is placed on several orders² of the coordinate Benches of this Court, wherein the decree was granted in favour of the plaintiff's products under the Trademark "KEI", and the plaintiff's exclusive rights in the mark "KEI" were acknowledged.

25. Learned senior counsel for the plaintiff states that at this stage the plaintiff is aware about the defendant's use of the impugned mark on the sub-brand 'HOME CAB'.

26. The Court has heard the learned counsel for the plaintiff and has perused the record.

27. That the plaintiff is the registered proprietor of the trademark "KEI" and "  ". The defendants' adoption of the infringing mark  being in the same business of wires and cables as that of the plaintiff does not appear to be bona fide. By merely replacing the letter "I" with the numeric "1" in the plaintiff's trademark  , with the same blue colour and font to arrive at their impugned mark, shall cause confusion and deception in the minds of the general public, since both the marks are visually, structurally, and deceptively similar to each other.

² List of orders passed by this court is at paragraph 34 of the plaint.



28. The Plaintiff has also placed on record its house wire range product known as 'HOME CAB'. The said sub-brand 'HOME CAB' has also been adopted by the defendant for its identical product.

29. The defendant's use of its impugned logo mark  in conjunction with the sub-brand 'HOME CAB' on its products is prima facie misrepresentation to the general public and amounts to passing off.

30. In the considered opinion of this Court, the plaintiff has been able to make out a prima facie case in its favour. The balance of convenience is also in favour of the plaintiff and against the defendants. As this is the case where the defendants are dealing in the identical goods having the identical consumer base as those of the plaintiff, the plaintiff is likely to suffer grave irreparable harm in case an ex parte ad-interim injunction is not granted.

31. Accordingly, until the next date of hearing, the defendants, their partners or proprietors, dealers, their suppliers, their franchisees, agents, sister concerns or any entity incorporated by the defendants or their family members, Directors, distributors or anyone acting for and on their behalf are restrained

- i. from using the Infringing Mark , or any other similar and/or deceptively similar mark to the plaintiff's trademark "KEI", on its products or in any manner whatsoever to result in infringement of the trademarks of the Plaintiff;
- ii. from manufacturing, selling, offering for sale, exporting, exhibiting, advertising and/or using the plaintiff's copyrighted artwork in the product packaging of the Infringing goods.



- iii. from manufacturing, selling, offering for sale, exporting, exhibiting, advertising and/or using the identical / deceptively similar trade dress of the plaintiff's 'HOMECAB' range of house wires in relation to the Infringing Goods
 - iv. in any manner misrepresenting or holding out to be connected or related to the plaintiff in any manner whatsoever.
32. Compliance of Order XXXIX Rule 3 of CPC be done within a period of two (2) weeks from today.
33. Issue notice to the defendants through all permissible modes, upon filing of process fees, returnable on the next date of hearing.
34. Let the reply to this application be filed within a period of four (4) weeks from receipt of notice.
35. Rejoinder thereto, if any, be filed within a period of four (4) weeks thereafter.
36. List before the learned Joint Registrar (J) on **13.10.2025**.
37. List before Court on **27.02.2026**.

I.A. 21400/2025 (seeking for the appointment of a local commissioner)

38. This is an application filed under Order XXVI Rule 9, read with Section 151 of CPC, 1908, for the appointment of Local Commissioners.
39. Learned senior counsel states that the addresses are set out in paragraph 4 of the application.
40. He states that though there are three (3) locations at Surat belonging to defendant nos. 2 and 4 respectively, the plaintiff is praying for appointment of one (1) local commissioner for all the three locations.
41. He states that a local commissioner be appointed separately for Ahmedabad and Navsari respectively.



42. In order to ensure that the injunction is fully complied with and to preserve the evidence of infringement, this Court deems it appropriate to appoint Local Commissioners to visit the premises of the defendants mentioned below:

S.No	PARTICULARS	NAME OF LOCAL COMMISSIONER
1.	Address no. 1: Near Raymond Showroom Gandhi Road, Bardoli, Surat Gujarat 394601 Address no. 2: 5/8, Varachha Co Housing Society, Beside Panchvati Apartment, Nana Varachha, Surat, Gujarat 395006. Also At: Dhal, Shop No. 7, 8 Varachha Main Road, Besides Panchvati Apartment, Housing Society, Nana Varachha, Surat-395006	Ms. Devika Mohan, Advocate (E. No. D/2549/2013) (M. No. 9560044698) (email: devika@devikamohan.co.in)
2.	SF-5, Rajdeep Apartment, Near Police Line, Sardar Nagar, Ahmedabad — 382475 Gujarat	Ms. Manvi Damle, Advocate (M. No. 8140720501) (E.No. G/4503/2018) (email: damlemanvi@gmail.com)
3	2/3226, Charpul to Depot Road, Near Prajapati Ashram, Charpul Road, Nav Sari, Gujarat	Ms. Janhvi Nautiyal, Advocate, (M. No. 9911198237)

43. The mandate of the Local Commissioner is as under: -

- i. The Local Commissioners shall visit the premises of the defendants as mentioned above, to inspect and seize the infringing products of the defendants bearing the registered trademarks of the plaintiff.



- ii. The Local Commissioners are permitted to seize the infringing products bearing the registered trademarks of the plaintiff at the above premises and if knowledge is acquired of any other premises where the goods could be stored, the Local Commissioners are free to record the same and then visit the other premises and conduct a seizure there as well. The details of the defendant's infringing product are set out at paragraph no. 41 of the plaint.
- iii. The Local Commissioners shall also inspect and seize any goods/materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising material, dyes or blocks, unfinished, packed, unpacked infringing products bearing the registered trademarks of the plaintiff or any other documents, wrapper etc. so that it can be ensured that no fresh manufacturing of the infringing products bearing the registered trademarks of the Plaintiff can take place.
- iv. The Local Commissioners shall also obtain the details as to since when infringing goods bearing the registered trademarks of the plaintiff are being used by the defendants and obtain copies of the accounts, if the same is found to be sold in market.
- v. The Local Commissioners shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records and any other books of record or commercial transactions kept at the premises of the defendant and take photocopy and/or record of all such transactions that



pertain to infringing products, if any. The defendants shall cooperate and give passwords to the computers and the files containing the accounts, if the same is stored on the computer or a specific software.

- vi. After preparation of the inventory, the infringing products bearing the registered trademarks of the plaintiff, in fully manufactured or unfinished condition, including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, brochures, banners, cartons and other material bearing the registered trademarks of the plaintiff or the marks, which are similar to the plaintiff's trademarks, shall be released to the defendants on *Superdari*. The monetary value of the stock shall also be ascertained.
- vii. The Local Commissioners are also permitted to break open the locks, with the help of the local police, if access to the premises where the infringing products have been stocked/manufactured, is denied to the Commissioners.
- viii. Upon being requested, the concerned jurisdictional police authorities, the Commissioner of Police/Superintendent of Police and/or the Station House Officer ('SHO'), shall render necessary cooperation for execution of the commissions, as per this order. The Local Commissioners are also permitted to break open the locks, with the help of the local police, if access to the premises, is denied to the Commissioners.
- ix. The Local Commissioners are permitted to take photographs and videography of the proceedings of the commission, if it is



deemed appropriate. Two (2) representatives of the plaintiff, which may include a lawyer, are permitted to accompany the Local Commissioner.

- x. The Local Commissioners, while executing the commission, shall ensure that there is no disruption to the business of the defendants, except for the purposes of the execution of the commission. The commission shall be executed in a peaceful manner.
- xi. Copy of the order and complete paper book shall be served by the Local Commissioners upon the defendants at the time of execution of commissions.
- xii. In case during the course of the commission, the local commissioners come across any other sub-brand products of the defendants which bear the impugned mark , they shall take photographs of the said products and seize two(2) pieces of such products. Appropriate orders for such product shall be passed on the next date of hearing.

44. The order passed today shall be communicated by the Local Commissioners to the defendants.

45. The fee of each Local Commissioner is fixed at Rs. 2,50,000/-; excluding out-of-pocket expenses, travel expenses, etc., which is to be borne by the plaintiff.

46. The Local Commission shall be executed within two (2) weeks. The report of the Local Commissioner shall be filed within two (2) weeks thereafter.



47. The order passed today, shall not be uploaded for a period of three (3) weeks for enabling the execution of the commission.
48. In terms of the foregoing, the present application stands disposed of.
49. Copy of this Order to be given *dasti* under the signatures of the Court Master.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 1, 2025/msh/AJ