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

+ **RFA(OS)(COMM) 27/2025 CM APPL. 54954/2025**

HERANBA INDUSTRIES LTD.

.....Appellant

Through: Mr. Rajiv Kumar Choudhary, Mr. Saurabh Bhargavan, Ms. Chinju Saurabh, Mr. Nikhil S. Nair, Mr. Manveer Titus and Mr. Laqshyaa Saluja, Advocates.

versus

GSP CROP SCIENCES LTD.

.....Respondent

Through: Mr. Guruswamy Nataraj, Mr. Rahul Bhujbal, Mr. Yash Raj and Ms Pragati Yadav, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

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13.10.2025

CM APPL. 61833/2025

1. On last date of hearing, we had passed the following order :

“The appellant/applicant files this application with the following prayer:-

“a) Grant leave to the Appellant/Defendant No.2 to file the additional affidavit dated 24-09-2025 in furtherance of last order dated 03-09-2025 under a sealed cover;”

2. In effect, the applicant is seeking to file additional affidavit in the court in a sealed cover.

3. The learned counsel for the respondent opposes



the prayer made in the application. According to him, unless the copy of the affidavit is shared with the respondent, the respondent shall not be privy to the profits as depicted by the appellant in the affidavit to enable him to make his submissions. The prayer in the application shall be considered on the next date of hearing.

4. Renotify this application on the date already fixed, that is, 13.10.2025.”

2. Learned counsel for appellant, Mr. Rajiv Kumar Choudhary, has produced before the court a sealed cover which, accordingly to him, consist of affidavit filed in terms of the order dated 03.09.2025. The same has been returned back to him, as he has handed over to the Court photocopies of the affidavit. The same has been perused by us and returned back to Mr. Choudhary. It is made clear and also agreed by Mr. Choudhary that the suit shall only be confined to challenge to the damages awarded by the learned Single Judge in the impugned order and decree dated 25.07.2025.

3. An issue arose as to whether the affidavit intended to be filed by the appellant in terms of order dated 03.09.2025 should be shared with the respondent/its counsel. Mr. Nataraj states that the two officers/employees of the respondent company and the two counsel representing the said company are ready and willing to file affidavits in terms of Rule 19 of the Delhi High Court Intellectual Property Rights Division Rules, 2022 to maintain confidentiality in respect of contents of the affidavit. This is in agreeable to Mr. Choudhary.

4. A similar submission is made by Mr. Nataraj, who also states that the respondent is also ready and willing to file an affidavit giving the details of the sales figures and computation of the profits earned by the respondent for



the financial years 2021-22 and 2022-23.

5. Mr. Choudhary states that similar affidavits in terms of Rule 19 shall also be filed by the two officers/employees of the appellant company and two counsel representing the appellant company. If that be so, the same be filed within one week. Additionally, the counsel for the parties shall file their written submissions on the limited aspect of challenge on grant of damages within two weeks. The counsel for the parties shall bring their respective affidavits in sealed covers, to be kept in the custody of a concerned officer of the Registry and also to exchange the same between themselves.

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6. Re-notify on 30.10.2025.

V. KAMESWAR RAO, J

VINOD KUMAR, J

OCTOBER 13, 2025
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