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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ C.O.(COMM.IPD-PAT) 4/2023 & I.A. 6721/2023, I.A. 6722/2023, I.A. 6723/2023

BLICK SYSTEM INDIA PRIVATE LIMITED Petitioner
Through: Mr. J. Sai Deepak, Mr.Utkarsh Joshi, Ms. Srishti Singhanian, Ms.Vasundhara Gupta, Mr.Avinesh Sharma, Mr.Krishan Singhanian, Ms.Srishti Singhanian, Ms.Vasundhara Gupta, Ms.Radhika Bansal and Mr. Pranab Krishna, Advs.

versus

FRANZ SAFFORD AND OTHERS Respondents
Through: Ms. Diya Kapur, Mr.Sangramsingh R. Bhonsle, Mr.Anand Mahurkar, Mr.Selwyn D'costa, Ms.Sarika Mahurkar, Mr.pradip Nalwade, Mr.Pushkara A. Bhonsle, Mr.Nrupal A. Dingankar, Mr.Raghav Kumar and Mr.Aditya Ladha, Advs. for R-1 & 2
Mr. Arjun Mahajan, Sr.Panel Counsel for UOI with Ms.Neha Rai, Ms.Neha Yadav and Mr.Apoorv Upmanyu, Advs. for R-3

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
20.04.2023

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I.A. 6723/2023 (exemption)

1. Exemption allowed subject to all just exceptions.
2. The application is disposed of.



I.A. 6722/2023 (under Section 12 of the Commercial Courts Act, 2015)

3. In view of the judgment of the Division Bench of this Court in ***Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd***¹, exemption is granted from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015

4. The application stands allowed accordingly

C.O.(COMM.IPD-PAT) 4/2023 & I.A. 6721/2023 (under Order XXXIX Rules 1 and 2 of the CPC)

5. Issue notice. Notice is accepted on behalf of Respondents 1 and 2 by Mr. Sangramsingh Bhonsle and on behalf of Respondent 3 by Mr. Arjun Mahajan.

6. Reply may be filed within four weeks with advance copy to learned Counsel for the petitioner who may file rejoinder thereto, if any, within four weeks thereof.

7. Mr. Sai Deepak had, on the last date of hearing, sought an order restraining the respondents from contacting distributors/stockists/retailers in order to create any hindrance in the business of the petitioner in relation to the product claimed under IN 284903.

8. Ms. Diya Kapur, arguing for Respondents 1 and 2 undertakes, on instructions, that her clients would not contact any

¹ 2022 SCC OnLine Del 3529
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distributor/stockists/retailers in order to create any hindrance in the business of the petitioner in relation to the product claimed in the said patent. The undertaking is taken on record and the Respondents shall remain bound thereby.

9. It is clarified that the restraint is only against contacting distributors/stockists/retailers in such a way as would create hindrance in the business of the petitioner. There is no absolute embargo on the respondents contacting anyone for any other purpose or in the ordinary course of business, as, quite obviously, there cannot be.

10. Re-notify on 21st July 2023.

C.HARI SHANKAR, J

APRIL 20, 2023/kr