



\$~1

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

+ **CUSAA 77/2024 & CM APPL. 58119/2024 (Stay)**

MS SHRI GORAKH BHANDARAppellant

Through: Mr. Abhimanyu Bhandari, Senior Advocate with Mohd. Faraz Anees, Mr. Ashish Parashar, Mr. Ajay Kumar & Mr. Ankit, Advocates.

versus

THE COMMISSIONER OF CUSTOMS APPEALS & ORS.

.....Respondents

Through: Mr. Gibran Naushad, Senior Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **05.11.2024**

CM APPL. 58120/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CM APPL. 58121/2024 (Permission to file lengthy synopsis and list of dates)

3. For the reasons stated in the application, the same is allowed.
4. The application is disposed of.

CUSAA 77/2024

5. Issue notice
6. The learned counsel appearing for the respondents accepts notice and



seeks time to take instructions.

7. The appellant has projected the following questions for consideration of this Court:

“a) Whether impugned Order dated 07.03.2024 passed by the Hon'ble Tribunal in Custom Appeal No. 51711 of 2019 is bad in law and deserves to be set aside?

b) Whether the protection under Customs Act, 1962 can be granted to the right holder without complying the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 by the department.

c) Whether the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 fixing the time limit be constructed as mandatory or Directory.

d) Whether not mentioning the title of the goods (in instant case “ROCK”) in Bill of Entry in case of unbranded goods (in instant case “shoes”) will amount to misdeclaration/suppression of the goods in the Import documents.

e) Whether the protection of IPR can be granted to the Right holder in absence of Unique Permanent Registration Number.

f) Whether the Licensee can take action against trademark infringement by the Importer if the Licensor has not given the Licensee authority to do so?

g) any other question of law with the leave of this Hon'ble Court.”

8. List for hearing on 12.02.2025.

9. In the meanwhile, the respondents are at liberty to file a counter-affidavit, within a period of four weeks from date. Rejoinder thereto, if any, be filed within two weeks thereafter. The parties are also at liberty to file



written submissions, before the next date of hearing.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

NOVEMBER 05, 2024/at

[Click here to check corrigendum, if any](#)