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

+ **CS(COMM) 1123/2025 & I.As. 25965-68/2025**

KHADI AND VILLAGE INDUSTRIES COMMISSION.....Plaintiff

Through: Ms. Shwetasree Majumder, Ms. Diva
Arora Menon and Ms. Vani Sarin,
Advocates

versus

SA SERVICES GRAMODYOG SANSTHA AND ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **16.10.2025**

I.A. 25968/2025 (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 clear and translated copies of the documents, which have been filed with the suit.

2. Subject to the plaintiff filing clear and translated copies of the documents within four [4] weeks from today, exemption is granted for the present.

3. Accordingly, the application stands disposed of.

I.A. 25967/2025 (seeking leave to file additional documents)

4. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of CPC [as amended by the Commercial Courts Act,



2015], within 30 days.

5. The Plaintiff, if it wishes to file additional documents will file the same within 30 days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018 [‘DHC Rules’].

6. For the reasons stated in the application, the same is allowed.

7. Accordingly, the application is disposed of.

I.A. 25966/2025 (for seeking exemption from pre-institution mediation)

8. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of CPC filed by the plaintiff seeking exemption from instituting pre-litigation mediation.

9. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiff.

10. Accordingly, the application stands disposed of.

CS(COMM) 1123/2025

11. The present suit has been filed by the Plaintiff for permanent injunction restraining infringement of Plaintiff’s trademarks, passing off, rendition of accounts and damages.

12. Let the plaint be registered as a suit.

13. Summons be issued to Defendant Nos. 1 to 3 by all permissible modes on filing of process fee. Affidavit of service be filed within two [2] weeks.

¹ (2024) 5 SCC 815



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

15. The Plaintiff is at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit of admission/denial in respect of the documents filed by Defendants, failing which the replication(s) shall not be taken on record.

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

17. Summons are not being issued to Defendant No. 4 as it is a proforma party.

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

19. List before the learned Joint Registrar (J) for completion of service and pleadings on **09.12.2025**.


20. List before Court on **30.03.2026**.

I.A. 25965/2025 (Under Order XXXIX Rule 1 and 2 CPC)

21. This is an application under Order XXXIX Rule 1 and 2 CPC, filed by the Plaintiff seeking ad interim injunction restraining Defendant Nos. 1 to 3 from manufacturing, selling, offering for sale, marketing, advertising, directly or indirectly providing any kind of goods and/or services under the





khadi
traditional

trademark 'KHADI TRADITIONAL'/' and/or domain name, which is identical/deceptively similar to the Plaintiff's registered trademarks.

22. Ms. Shwetasree Majumder, learned counsel for the Plaintiff has set up the Plaintiff's case as under: -

22.1. The Plaintiff is a statutory body established by the Khadi and Village Industries Commission Act, 1956. The Plaintiff is engaged in the promotion of development of the 'KHADI' brand and the products under the 'KHADI' trademark through the institutions certified by the Plaintiff.

22.2. The Plaintiff adopted the word mark 'KHADI' on 25.09.1996 and is

the registered proprietor of the mark 'KHADI',  and  in several classes, the details of which are provided at paragraph no. 14 of the plaint ['Plaintiff's trademarks'].

22.3. The Plaintiff hosts its websites under the domain names <https://www.kvic.gov.in/>, www.kviconline.gov.in, and <http://kviconline.net.in/>, which are registered since 13.09.2002, 01.07.2010 and 04.11.2017, respectively. The said websites are accessible to users across the globe.

22.4. The Plaintiff also operates a mobile application by the name of 'Khadi India', which has been downloaded by more than 1,00,000 users, which operates an e-commerce portal. The Plaintiff has prominent presence on various social media platforms, the details of which are provided at paragraph no. 17 of the plaint.





22.5. There are over 8,050 sales outlets operating under the service mark KHADI, which are spread across the country all engaged in selling authorized/ licensed products under the KHADI trademarks.

22.6. In the year 2024, the Plaintiff recorded a turnover of Rs. 1,70,551 Crores approximately. The details of Plaintiff's turnover are provided at paragraph no. 28 of the plaint and the details of the advertisement and promotional expenses incurred by the Plaintiff are provided at paragraph no. 29 of the plaint.

22.7. The Plaintiff's 'KHADI' trademarks have also been declared well-known by this Court in CS(COMM) 133/2022 titled **Khadi & Village Industries Commission vs Raman Gupta & Ors.** and CS(COMM) 244/2021 titled **Khadi & Village Industries Commission vs Khadi Design Council & Ors.**, vide judgment dated 26.07.2022 and order dated 26.07.2022, respectively.

22.8. The Plaintiff is aggrieved by the actions of Defendant Nos. 1 to 3 herein, who are engaged in the business of manufacturing, marketing and selling cosmetic products including but not limited to soaps, shampoos, body lotions, face serums, etc., under the impugned marks KHADI

TRADITIONAL/  through the impugned domain name www.khaditraditional.com, e-commerce platforms such as Amazon and Kalaastore.

22.9. Defendant No. 1 is an association of persons, who has applied for registration of mark  in Class 3 vide application no. 6768190 dated



21.12.2024. Defendant No. 1 is also using the impugned mark on its social media platforms such as Facebook [Khadi Traditional] and Instagram [@khaditraditional3] and the impugned email address cc@khaditraditional.com.

22.10. Defendant No. 2 is the authorised secretary of Defendant No. 1, who



has applied for registration of mark in Class 3 vide application no. 5862131 dated 24.03.2023.

22.11. Defendant No. 3, through her proprietorship firm Dev Blenders, has



applied for registration of mark in Class 3 vide application no. 4539214 dated 21.06.2020.

22.12. It is stated that the Plaintiff has filed its objections against the aforesaid trademark applications filed by Defendants. It is stated that even the registry in the examination report has cited the Plaintiff's mark to raise the issue of the identical nature of the rival marks.

22.13. It is contended that the Plaintiff has also served the Defendants with a cease-and-desist notice dated 08.05.2025, thereby calling upon the Defendants to immediately cease the use of the impugned marks.

In response, Defendant Nos. 1 and 2 vide a reply dated 14.05.2025 that since the Plaintiff had issued a valid Khadi Mark Certificate to Defendant No. 1 [which is valid from 19.06.2020 to 18.06.2025] in favour of Defendant No. 1; asserting that the Defendant Nos. 1 and 2 are authorised to use the Plaintiff's registered trade marks on their products and packaging.



22.14. It is contended that the Defendants herein has incorrectly interpreted the Plaintiff's policy, as the Defendants affiliation with the Plaintiff only permits the Defendants to use the Plaintiff's registered 'KHADI' marks, as it is solely on textiles. Further, Plaintiff has not authorized the Defendants to use its registered KHADI marks for cosmetics and/or any other products. More specifically, the said certificate does not permit the Defendants to develop their own mark using the Plaintiff's registered marks of KHADI. The same was clarified by the Plaintiff vide a communication dated 01.07.2025.

22.15. It is contended that however, the Defendant No. 1 has continued to sell cosmetic products bearing the impugned marks and the same is evident from the order placed by the Plaintiff for the infringing product sold by the Defendants on a third-party websites, the details of which are provided at paragraph no. 28 of the plaint.

22.16. Aggrieved by the aforesaid, the Plaintiff has filed the captioned application along with the present suit.

22.17. It is contended that by virtue of its adoption more than sixty years ago, and extensive use thereof, Plaintiff's 'KHADI' trademarks have become exclusively associated with the Plaintiff in the eyes of consumers. And, the continued misuse of the impugned marks by the Defendant Nos. 1 to 3 is causing irreparable loss and damage to the Plaintiff's business, goodwill and reputation.


23. This Court has heard the learned counsel for the Plaintiff and perused the record.



24. Learned counsel for the Plaintiff states that the Defendants have been duly served on 15.10.2025 through e-mail as per Rules. However, none appears on behalf of the Defendants.



25. The Plaintiff is the registered proprietor of mark 'KHADI',



and  in several classes including Class 3 and the Plaintiff's 'KHADI' trademark has already been declared as a well-known trademark by this Court.


26. The images of the infringing products sold by the Defendants are reproduced hereinbelow: -



27. A perusal of the product images set-out hereinabove clearly evidence that the Plaintiff's registered and well-known mark 'KHADI'/ has been entirely subsumed by the Defendants on the outer-packaging/label of the infringing product. The device mark  can be seen on the reverse side and the wordmark KHADI can be seen on the front side of the product.



28. The Plaintiff has stated that the certificate issued to Defendant No. 1



gives it limited permission to use of 'KHADI'/  marks for textiles and for a time-bound period. Thus, the use of these marks by the said Defendant for non-textile products is not permitted by the Plaintiff. Moreover, the said permissive use would not entitle the said Defendant to develop its own mark which subsume the Plaintiff's trademark KHADI. In addition, the Defendant Nos. 1 to 3 use of the impugned mark 'KHADI TRADITIONAL' completely subsumes the Plaintiff's trademark KHADI and is therefore infringing and can't even be used for textiles.

29. The use of the mark 'KHADI' by Defendant No. 1 in its impugned website – www.khaditraditional.com and impugned email address – cc@khaditraditional.com as well as in the social media handles ['Khadi Traditional' and '@khaditraditional3' operated by Defendant No. 1 is in clear violation of the Plaintiff's statutory rights protected under the Trademarks Act, 1999.

30. In light of the above, this Court is of the prima facie opinion that by


using the impugned mark – khadi traditional/  / , the Defendant Nos. 1 to 3 are trying to ride upon the reputation and goodwill of the Plaintiff with an intention to mislead the consumers to believe that the products sold by the Defendants are affiliated and/or approved with or by the Plaintiff.

31. Accordingly, in view of the above circumstances, the Plaintiff has demonstrated a prima facie case for grant of injunction. Further, balance of convenience also lies in favour of the Plaintiff, and against the Defendants.



The Plaintiff will suffer irreparable loss if the Defendant continues its infringing activities.

32. Accordingly, till the next date of hearing, Defendant Nos. 1 to 3 and all others acting for and on behalf of Defendant Nos. 1 to 3 are restrained from manufacturing, selling, offering for sale, marketing, advertising, directly or indirectly providing any kind of goods and/or services under the

trademark 'KHADI TRADITIONAL'/' and/or using domain name and/or any other mark, which is identical/deceptively similar to the Plaintiff's trademarks as set out in paragraph 22.2 hereinabove].

33. Furthermore, Defendant No. 4 [i.e., the concerned domain name registrar] is directed to lock and suspend the impugned domain name - www.khaditraditional.com, within one [1] week from today.

34. The Defendants are directed to delete and/or rename the impugned social media handles, within one [1] from today. In case, Defendants elect to rename the social media handles, they will ensure that all posts which bears the impugned mark or enlists products bearing the impugned mark are taken down within one (1) week.

35. The Defendant No. 1 is granted one [1] months' time to transition to a new e-mail address from the impugned email address- cc@khaditraditional.com or any other e-mail address on the extension of khaditraditional.com.

36. Issue Notice to Defendant nos. 1 to 3 through all permissible modes. Affidavit of service be filed within two [2] weeks.

37. Let the notice state that the reply to this application be filed by the



Defendants within four [4] weeks from the date of receipt of this order. Rejoinder, if any, be filed within three [3] weeks thereafter.

38. Defendant No. 4 will file its compliance affidavit within three (3) weeks.

39. Compliance of Order XXXIX Rule 3 of CPC be done within a period ten (10) days from today.

40. List before the learned Joint Registrar (J) for completion of service and pleadings on **09.12.2025**.

41. List before the Court on **30.03.2026**.

42. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 16, 2025/rhc/MG