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

+ CS(COMM) 1409/2025 & IA No. 32594/2025

ITC LIMITED

.....Plaintiff

Through: Mr. Gaurav Pachnanda & Mr. J. Sai Deepak, Senior Advocates with Ms. Mamta Rani Jha, Ms. Shruttima Ehersa, Ms. Aiswarya D., Ms. Jahanvi Agarwal, Mr. Udbhav & Mr. Avinash Sharma, Advocates.

Versus

ARPITA AGRO PRODUCTS PVT LTD & ORS.....Defendants

Through: Mr. Akhil Sibal, Ms. Swati Sukumar & Mr. Jagdeep Kumar Sharra, Senior Advocates with Mr. Kartikay Sharma, Mr. Annirudh Sharma, Ms. Riddhi Bajaj & Ms. Sugandh Shahi, Advocates.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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23.12.2025

I.A. No.32596/2025 (Exemption from pre-institution Mediation)

1. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“CC Act”).
2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
3. The Application stands disposed of.



I.A. No.32598/2025 (Extension of time to file Court Fees)

4. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from payment of Court Fees at the time of the filing of the Suit.

5. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

6. The Application stands disposed of.

CS(COMM) 1409/2025

7. Let the Plaint be registered as a Suit.

8. Issue Summons. The learned Counsel for the Defendants accepts Summons.

9. Let Written Statement(s) be filed by the Defendant(s) within 30 days from date. Along with the Written Statement(s), the Defendant(s) shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

10. Liberty is granted to the Plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendant(s) be filed by the Plaintiff, without which the Replication shall not be taken on record.

11. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the



list of reliance, which shall also be filed with the pleadings.

12. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

13. List before the learned Joint Registrar on 24.02.2026 for completion of service and pleadings.

I.A. No.32597/2025 (for permission to file documents in sealed cover)

14. This is an Application filed by the Plaintiff under Section 151 of the CPC seeking leave to file certain confidential documents physically in a sealed cover.

15. Issue Notice. The learned for the Defendants accepts Notice.

16. The learned Senior Counsel for the Plaintiff submitted that the documents sought to be filed in a sealed cover are inherently confidential and sensitive in nature and filing thereof as part of the Suit record will negate their confidentiality. Accordingly, the following documents are sought to be filed in a sealed cover:

- a. Documents relating to the knowhow of the NIMYLE Proprietary Formulation including ingredient lists etc.
- b. Test Reports indicating similarity of the competing formulations.
- c. Written Opinion of independent Expert analysing the Test Reports and confirming the identity of formulation.
- d. Template agreements with third-party contract manufacturers for the NIMYLE Proprietary Formulation.

17. Considering the averments made in the Application, the present Application is allowed. It is directed that the above documents shall be filed



in a sealed cover and shall be kept in the safe custody of the learned Registrar General of this Court.

18. The Parties are directed to provide a list, on an Affidavit, of two lawyers and one expert from each side for formation of the Confidentiality Club. The Members of the Confidentiality Club shall be bound by the Confidentiality Orders passed by this Court and shall not be entitled to make any copies or disclose the contents of the documents filed in the sealed cover.

19. It is further directed that only the Members of the Confidentiality Club shall be entitled to have access to and peruse the confidential documents, which shall be resealed and deposited back with the learned Registrar General of this Court after the inspection. It is also directed that any evidence by way of an affidavit / witness statement / expert report, which may contain confidential information as contained in the above documents, shall also be kept in a sealed cover and would only be accessible to the Members of the Confidentiality Club.

20. Accordingly, the present Application is disposed of with the aforesaid directions.

IA No.32595/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

21. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

22. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side)



Rules, 2018.

23. Accordingly, the Application stands disposed of.

I.A. No.32599/2025 (for seeking discovery & production of documents)

24. This Application has been filed by the Plaintiff under Order XI Rule 5 read with Section 151 of the CPC, as amended by the CC Act, for seeking discovery and production of the documents.

25. Issue Notice. The learned Counsel for the Defendants accepts Notice.

26. Let Reply to the Application be filed within a period of three weeks. Rejoinder thereto, if any, be filed within a period of one week thereafter.

27. List before the Joint Registrar on 24.02.2026 for completion of service and pleadings.

IA No. 32593/2025 (u/O XXXIX Rules 1&2 CPC)

28. Issue Notice. The learned Counsel for the Defendants accepts Notice.

29. Let Reply be filed within three weeks from date. Rejoinder thereto, if any, be filed within one week thereafter.

30. List before Court on 27.01.2026.

TEJAS KARIA, J

DECEMBER 23, 2025

‘gsr’