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

+ CS(COMM) 397/2016 & I.A. 25716/2014(O-XXXIX R-1 & 2 of CPC)

JAGRAN PRAKASHAN LTD Plaintiff
Through: Mr.J.V. Abhay, Ms.Maidini Phul and
Ms.Prakriti Sharma, Advocates.
versus

JAGRAN PRODUCTION LTD & ANR Defendants
Through: Mr.Rajul Shrivastav and
Mr.Anubhav Sharma, Advocates.

+ CS(COMM) 398/2016 & I.A. 25466/2014(O-XXXIX R-1 & 2 of CPC), I.A. 5505/2015(O-XXXIX R-4 of CPC), I.A. 5506/2015(modification of order dated 05.01.2015)

JAGRAN PRAKASHAN LTD Plaintiff
Through: Mr.J.V. Abhay, Ms.Maidini Phul and
Ms.Prakriti Sharma, Advocates.
versus

JAGRAN INFRA PROJECTS PVT LTD & ORS Defendants
Through: Mr.Rajul Shrivastav and
Mr.Anubhav Sharma, Advocates.

+ CS(COMM) 425/2016 and I.A. 917/2015(O-XXXIX R-1 & 2 of CPC)

JAGRAN PRAKASHAN LTD Plaintiff
Through: Mr.J.V. Abhay, Ms.Maidini Phul and
Ms.Prakriti Sharma, Advocates.
versus

DAINIK JAGRAN NEWS PAPERS PVT LTD



& ORS

..... Defendants

Through: Mr.Rajul Shrivastav and
Mr.Anubhav Sharma, Advocates.

+ CS(COMM) 426/2016 and I.A. 919/2015(O-XXXIX R-1 & 2 of
CPC)

JAGRAN PRAKASHAN LTD

..... Plaintiff

Through: Mr.J.V. Abhay, Ms.Maidini Phul and
Ms.Prakriti Sharma, Advocates.

versus

JAGRAN ENTERTAINMENT MEDIA PVT
LTD & ANR

..... Defendants

Through: Mr.Rajul Shrivastav and
Mr.Anubhav Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

13.04.2023

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1. Counsel for the plaintiff has handed over copies from the website of Ministry of Corporate Affairs (MCA) to show that:
 - i. Mr. Sanjeev Mohan Gupta is no longer director in the defendant no.1 company in CS(COMM) 397/2016.
 - ii. The name of the defendant no.1 company in CS(COMM) 397/2016 has been changed from Jagran Production Limited to Veronica Production Limited.
 - iii. The defendant no.1 company in CS(COMM) 426/2016 is under liquidation.
 - iv. The defendant no.1 companies in CS(COMM) 398/2016 and CS(COMM) 425/2016 have not done any business for the last six



years, at the very least.

- v. The status report from the Trademark Registry, in terms of which, the registration in respect of the word mark 'JAGRAN' as well as the device mark with the word 'JAGRAN', in the name of Mr. Sanjeev Mohan Gupta have been removed.
2. Let all the aforesaid documents be placed on record by the plaintiff with an affidavit within three weeks from today.
3. The predecessor Bench had passed a detailed order on 29th January, 2020 in this case, the operative part of which is set out below:

“4. In these circumstances, Mr. J. V. Abhay, learned counsel for the plaintiff, has suggested that, in the event the defendants are agreeable to disclosing whether any conflicting business is actually being carried on by the entities concerned, and if not, to give reasonable notice to the plaintiff before commencing such business, the suits may be disposed of on that basis. Mr. Rajul Shrivastav, learned counsel for the defendants, seeks time to take instructions.

5. The defendants in these suits are directed to file an affidavit within four weeks, particularly stating as to whether the defendant no.1 in each case is carrying on any business at present. If so, the nature of the business will also be specified to ascertain whether it is an infringing activity under Section 29(5) of the Trade Marks Act, 1999. In the event the defendants contend that their business is not an infringing activity in terms of the said provision, the defendant will also state whether they are agreeable to undertake that they shall give four weeks” notice to the plaintiff prior to commencing any business in the class concerned.”

4. Affidavit in terms of the aforesaid order has still not been filed on behalf of the defendants. Mr. Sanjeev Mohan Gupta is stated to be critically unwell. In view thereof, the aforesaid affidavit shall be filed on behalf of his



son, Mr. Anshuman Gupta, who as per the counsel for the defendants, is handling his business.

5. Last opportunity of eight weeks is granted to file the aforesaid affidavit. In the event, the aforesaid affidavit is not filed within eight weeks, it shall be presumed that the defendant no.1 in CS(COMM) 426/2016, Jagran Entertainment Media Pvt. Ltd., is under liquidation and the other defendant companies are shell companies and not doing any business.

6. Counsel for the defendants submits that the matter may be referred for mediation.

7. Counsel for the plaintiff shall take instructions whether the plaintiff is agreeable to initiate mediation proceedings with the defendants.

8. List on 8th August, 2023.

AMIT BANSAL, J

APRIL 13, 2023

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