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

\+ O.M.P.(EFA)(COMM.) 6/2016

DAIICHI SANKYO COMPANY, LIMITED .....Decree Holder

Through: Mr. Arvind Nigam, Senior Advocate with Mr. Giriraj Subramanium, Mr. Nabik Syam, Ms. Samridhi Hota, Ms. Anindita Barman, Ms. Astha Ahuja, Ms. Shyra Hoon, Mr. Tanmay Arora, Mr. Aman Acharya, Mr. Chirag Gupta, Mr. Kunal Chatterji and Mr. Jaiswal Baath, Advocates.

versus

MALVINDER MOHAN SINGH AND ORS. .....Judgement Debtors

Through: Mr. Rajiv Nayar, Senior Advocate with Mr. Sanjeev Kumar Sharma, Mr. Vaibhav Kakkar, Mr. Sahil Arora, Ms. Sanya Sud and Mr. Raahul Sharma, Advocates for Fortis Healthcare, Religare Enterprises Limited, Religare Finvest Limited and Agilus Diagnostic Limited.

Mr. Shiven Varma and Mr. Rudraksh Mathur, Advocates for RC Nursery.

Ms. Sayobani Basu, Ms. Durga Priya Manda and Ms. Dhriti Batra, Advocates for JD25.

Mr. Saman Ahsan, Ms. Srijata Majumdar, Mr. Rahul Sangwan and Ms. Mimansha Durgapal, Advocates for JD29 and 34.

Mr. Darpan Wadhwa, Senior Advocate with Ms. Aditi Mohan, Mr. Divya Gyan and Mr. Sparsh Goel, Advocates for Applicant in EX.APPL (OS) 5552/2025.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% **16.09.2025**

O.M.P.(EFA)(COMM.) 6/2016

1. Mr. Arvind Nigam and Mr. Rajiv Nayar, learned Senior Counsels

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jointly submit that order dated 17.07.2025 be modified to the extent of the submission recorded in paragraph 17 on behalf of the Decree Holder and direction be issued for payment of GST in accordance with law.

2. With the consent of the parties, paragraph 17 of order dated 17.07.2025 passed in EX.APPL.(OS) 773/2025 is modified and shall read as follows:-

> *"Mr. Nigam, learned Senior Counsel for the Decree Holder submits that sale certificate dated 21.04.2025 issued in favour of FHL is now absolute and irrevocable in terms of Section 64 of the Sale of Goods Act, 1930 and there is no impediment in the Decree Holder withdrawing the sum of Rs.200 crores deposited in this Court. GST, if payable, shall be paid in accordance with law."*

3. This order shall be read along with order dated 17.07.2025.

EX.APPL.(OS) 840/2025

4. This application is filed on behalf of the Decree Holder seeking the following directions:-

> *"i. Direct Fortis Healthcare Limited to deposit an amount of INR 39.14 crores in discharge of outstanding license fees by Fortis Healthcare Limited for the use of the Fortis Brand from 1st April 2018 to 31st March 2024 in terms of the Brand License Agreement dated 7th October 2015, with the Registry of this Hon'ble Court; and*
>
> *ii. Direct Fortis Healthcare Limited to disclose and deposit the license fee provisioned by it for usage of the Fortis Brand from 1st April 2024 to 21st April 2025;*
>
> *iii. Allow the Decree Holder/Applicant to withdraw, upon deposit, the amount of INR 39.14 crores, together with the amount disclosed and deposited as license fee for the period from 1st April 2024 to 21st April 2025, and all accrued interest thereon, from the Registry of this Hon'ble Court."*

5. Mr. Arvind Nigam submits that a sum of Rs. 55.37 crores is due to the Decree Holder from FHL towards licence fee for use of 'Fortis' trademark and allied marks for the period 01.04.2018 to 21.04.2025 and thus, direction

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be issued for deposit of the licence fee. It is further submitted that after deposit of this amount, no other claims as regards licence fee, past, present or future shall survive against FHL or Agilus Diagnostics Limited towards use of 'Fortis' and/or 'SRL' trademarks and allied marks.

6. Mr. Rajiv Nayar, learned Senior Counsel, on instructions, submits that the total admitted licence fee for use of 'Fortis' trademark and allied marks to the tune of Rs. 55.37 crores shall be deposited with this Court by FHL within four weeks from today, subject to deduction of applicable TDS.

7. Accordingly, this application is disposed of, directing FHL to deposit a sum of Rs. 55.37 crores in this Court within four weeks from today, subject to deduction of applicable TDS towards admitted licence fee for use of 'Fortis' trademark and allied marks. The amount so deposited shall be released to the Decree Holder, for which purpose the matter will be placed before the learned Joint Registrar on 27.10.2025. With the receipt of this amount, all claims of the Decree Holder pertaining to licence fee against FHL and Agilus Diagnostics Limited towards use of 'Fortis' and/or 'SRL' trademarks and allied marks shall stand finally settled and no further claims will be raised.

8. Application stands disposed of in the aforesaid terms.

EX.APPL.(OS) 278/2024

9. No further order is required to be passed in this application in light of the order passed in EX.APPL.(OS) No. 840/2025.

CCP(O) No. 44/2023

10. This petition is disposed of as withdrawn.

EX.APPL.(OS) 31/2020, 1164/2020, 244/2024, 1365/2021

11. List on 11.12.2025.

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EX.APPL.(OS) 1211-1212/2025 and EX.APPL(OS) 5552-5553/2019

12. List on 28.10.2025.

EX.APPL.(OS) 3650/2022, 3763-3764/2022 and 3850/2022

13. List on 20.11.2025.

EX.APPL.(OS) 839/2025

14. List on 14.10.2025.

JYOTI SINGH, J

SEPTEMBER 16, 2025/YA

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