



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION

**INTERIM APPLICATION (L) NO. 6620 OF 2025**  
**IN**  
**COMMERCIAL IP SUIT NO. 209 OF 2025**

Polycab India Limited

... Applicant/Defendant.

**Versus**

Ishwar Singh and Ors.

... Respondents/Defendants.

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*Mr. Vinod Bhagat a/w. Ms.Sonam Pradhan and Mr. Siddhant Gupta i/by Vinod A. Bhagat for the Applicant/Plaintiff.*  
*Mr. Deepak S. Bhalerao, 2<sup>nd</sup> Assistant to Court Receiver, present.*  
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**Coram : Sharmila U. Deshmukh, J.**

**Date : November 04, 2025**

**P.C. :**

1. By order of 7<sup>th</sup> March, 2025, this Court had granted ad-interim relief in respect of prayer Clauses (a), (b), (d) and (e) pertaining to the impugned counterfeit marks POLYCAB, POLYCAB OPTIMA+. Subsequently, the order came to be executed by the Court Receiver through the Additional Special Receiver.
2. Mr. Bhagat submits that during the execution of the ad-interim order, the Additional Special Receiver found the impugned Polycab wires and stickers in the premises of newly added Defendant No.4 and also found products bearing the mark POLYSTAR and POLYSTAR dyes. He submits that the impugned mark POLYSTAR is deceptively similar

to that of the Plaintiff's trademark and label mark of "POLYCAB". He submits that in view thereof, the plaint came to be amended and prayer Clause (a)(i) seeks ad-interim relief in respect of the additional impugned mark POLYSTAR as against the Defendant No.4.

3. By order of 7<sup>th</sup> March, 2025, this Court had come to a *prima facie* finding that the products of the Defendant are in the same sector concerning the cables and wires and are counterfeit products. This Court came to a *prima facie* finding that the impugned marks and the artistic work used along with the said counterfeit mark *prima facie* appears to be slavish copy of the original artistic work in which the Plaintiff holds copyright and the Plaintiff's registered mark.

4. This Court came to a *prima facie* finding that the impugned mark "POLYCAB" is identical/deceptively similar to the Plaintiff's registered trade mark "POLYCAB". This Court also found that the mark "POLYCAB OPTIMA+" is depicted in exactly in the same manner as the registered trade mark "POLYCAB OPTIMA+" of the Plaintiff.

5. The additional impugned mark is reproduced hereinafter for the purpose of comparison.

Plaintiff's Label	Defendant's Label
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6. Perusal of the additional impugned mark “POLYSTAR” would *prima facie* indicate that the impugned mark is deceptively similar to that of the Plaintiff’s registered trade mark “POLYCAB”. The Defendant No.4 has depicted the impugned mark “POLYSTAR” is an identical font as that of the Plaintiff’s mark and has replaced the words “CAB” with the words “STAR”. The artistic work associated with the impugned trade mark “POLYSTAR” is *prima facie* a slavish imitation of the Plaintiff’s registered trade mark. The Defendant No.4 has

already been restrained by the order of 7<sup>th</sup> March, 2025 from use of the mark "POLYCAB", "POLYCAB OPTIMA+" and "POLYTEC" or any other mark which is identical or deceptively similar. The Additional Special Receiver has found the infringing mark "POLYSTAR" in the premises of the Defendant No.4 which is *prima facie* identical/deceptively similar to that of the Plaintiff's registered trade mark "POLYCAB".

7. Hence, the Plaintiff is entitled to ad-interim relief against Defendant No.4 in respect of the impugned mark "POLYSTAR". Pending the hearing and final disposal of the suit, the Defendant No. 4 by himself, his proprietor/partners, servants, agents, distributors, stockists, assignees and all those connected with the Defendant No.4 in his business is restrained by an order and temporary injunction of this Hon'ble Court from manufacturing, marketing, printing, storing, distributing, supplying, selling, offering for sale and/or using in any manner whatsoever in relation to their electric wires and any other like goods, the impugned mark POLYSTAR or any mark/s identical with and/or deceptively similar to the Plaintiff's trade mark POLYCAB, so as to infringe upon the Plaintiff's trade mark POLYCAB registered under Nos. 2969584, 3433695, 3612247, 3923665, 3956902, 4584021, all in class 09; Nos. 1253763, 3923666, 3956894, all in class 17; Nos. 2416741, 3956893, 5549239, all in class 11 and Nos. 3866220,

3956895, 5549240, all in class 35;”

**8.** Mr. Bhagat would further submit that the order of 7<sup>th</sup> March, 2025 granted ad-interim relief in terms of prayer clauses (a), (b), (d) and (e) as at that stage leave under clause XIV of Letters Patent was not obtained and hence, the relief of passing off was not considered. He submits that though the Defendants have been served, no appearance has been caused on behalf of the Defendants. He would further submit that the Leave Petition being allowed, the relief of passing off may be considered.

**9.** By an order of even date, this Court has allowed the Leave Petition. By order of 7<sup>th</sup> March, 2025, this Court came to a *prima facie* finding that the impugned marks of the Defendant are identical and/or deceptively similar and granted ad-interim relief for infringement of trade mark and copyright. In addition, this Court has granted ad-interim relief against the Defendant No.4 in respect of the additional mark “POLYSTAR”.

**10.** Though, the Defendant Nos.1 to 3 were duly represented by an Advocate in the hearing held on 24<sup>th</sup> September, 2025 and had sought time to file reply, there is no reply placed on record and today none appears on behalf of the Defendants.

**11.** The Plaintiff is in the business of manufacturing and sale of

cables and wires and has earned considerable goodwill over a long period of time as in respect of registered mark which is in use since the year 1978. The Plaintiff's registered trade mark has been declared as well-known trademark and it is therefore *prima facie* evident that the relevant consumer base identifies the said mark with the goods of the Plaintiff. The Plaintiff has placed on record the details of the sales turnover which shows that for the year 2023-2024 the sales turnover figure was in excess of Rs.18050 Crores and about Rs.119 Crores was expended towards advertisement and promotional activities. The Plaintiff has therefore made a *prima facie* case for grant of ad-interim relief for passing off. The comparison of the rival trademarks would indicate that the Defendants have designed its products in the manner so as to pass off its goods as that of the Plaintiff's. The use of impugned marks is likely to cause damage to the Plaintiff. The Plaintiff is hence entitled to ad-interim relief for passing off. Pending the hearing and final disposal of the suit, the Defendants by themselves, their proprietor/partners, servants, agents, distributors, stockists, assignees and all those connected with the Defendants in their business be restrained by an order and temporary injunction of this Hon'ble Court from manufacturing, marketing, printing, storing, distributing, supplying, selling, offering for sale and/or using in any manner whatsoever in relation to their electric wires and any other

like goods, the impugned counterfeit marks depicted under the impugned trade dress of POLYCAB, POLYCAB OPTIMA+ and the impugned mark and trade dress of POLYTEC and the impugned mark POLYSTAR or any mark or trade dress identical with and/or deceptively similar to the Plaintiff's distinctive and prior used trade marks and trade dress of POLYCAB and POLYCAB OPTIMA+, so as to pass off their goods and business as and for those of the Plaintiff or in some way connected or associated therewith.

**12.** List the Interim Application for further consideration on **3<sup>rd</sup> December, 2025.**

**13.** Ad-interim relief granted is extended till next date.

**[Sharmila U. Deshmukh, J.]**