



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

INTERIM APPLICATION (L) NO. 11986 OF 2026
IN
COMMERCIAL IP SUIT (L) NO. 11736 OF 2026

Citadel Building Systems Private Limited ...Applicant

Versus

Citadel Building System ...Respondent

Mr. Vedant Chorge, Ms. Asma Nadaf, Maithri Porwal, Mr. Bhagawan Kasture, Ms. Sonal Manchekar i/b Ms. Asma Nadaf for Plaintiff.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 30th APRIL, 2026

P. C. :

1. At the outset, learned counsel appearing for Plaintiff tenders the draft amendment for correcting the month mentioned in paragraph 49 from **August to July**. Considering the nature of draft amendment, the same is allowed. Amendment to be carried out within period of three weeks from today. Re-verification is dispensed with.

2. This is an action for infringement of trade mark and **passing-off**. As leave under clause XIV of Letters Patent (Bombay) is not yet obtained, learned counsel appearing for Plaintiff would confine his relief only in respect of infringement of trade mark. He would seek to

Corrected order pursuant to speaking to the minutes order dated 7th May, 2026.

move without notice for the reasons which are set out in paragraph no. 47 of the plaint. I am convinced that the object of grant of injunction would be defeated by delay for the reasons set out in paragraph 47 of the plaint.

3. It is submitted that Plaintiff through its pre-decessor in title was incorporated on 3rd September, 2002 in the name of Citadel Architectural Solution Private Limited. The mark "CITADEL" was adopted by the Plaintiff in the year 2002 and is treated as housemark of the Plaintiff. It is submitted that the trade mark "CITADEL ARCHITECTURAL SOLUTIONS PVT. LTD." label *per se* was applied for registration on 31st December, 2007.

4. Learned counsel appearing for Plaintiff would point out to various registrations of wordmark "CITADEL" and device mark of which registration has been secured in the year 2023 with user claim of 2004. He submits that the Plaintiff is marketing its services under the flagship brand "CITADEL" which is the corporate name of the Plaintiff as also the registered trade mark.

5. He would submit that the Plaintiff became aware of the Defendant in the month of August, 2025 when the Plaintiff's representative informed the management about Defendant's website <https://citadelbuildingsystems.com/> which includes the Plaintiff's registered trade mark. He submits that search indicated that

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Defendant had applied for registration of the impugned mark "CITADEL BUILDING SYSTEMS" on 22nd February, 2023 on proposed to be used basis which mark is objected. He submits that on 22nd July, 2025, a cease-and-desist notice was issued to the Defendant, which was not responded. He submits that the notice was again issued on 28th August, 2025, which was responded by Defendant claiming right in use of the mark. He would further point out that Defendant's trade name is identical to the Plaintiff's corporate name and considering the long and continuous use of the trade name/trade mark by the Plaintiff, there is likelihood of confusion, which is required to be arrested.

6. I have considered the submissions and perused the record.

7. The Plaintiff's corporate name is "CITADEL BUILDING SYSTEM PRIVATE LIMITED" whereas the Defendant which is the partnership firm had adopted trade name "CITADEL BUILDING SYSTEMS". Both the Plaintiff and Defendant are rendering identical services of construction. The Plaintiff's prior user and adoption of the mark "CITADEL" is by use as a trade name and thereafter, by use of trade mark by securing registration which is *prima facie* demonstrated from the material placed on record. The Plaintiff is a registered proprietor of the trade mark "CITADEL", word mark as well as label mark *per se* which also is the corporate name of the Plaintiff. The Defendant has adopted the identical mark "CITADEL BUILDING SYSTEMS" which infringes the

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Plaintiff's registered mark by copying the essential leading feature i.e. "CITADEL".

8. There are sufficient disclosures as far as Defendant is concerned. The Defendant has applied for registration of its mark "CITADEL BUILDING SYSTEMS" device mark which has been **objected**. The Defendant has applied for registration of the mark on 22nd February, 2023 on proposed to be used basis. *Prima facie*, perusal of the device mark would indicate that prominence is given to word "CITADEL" which is the leading and essential feature of the Plaintiff's registered mark. Considering the existence of the Plaintiff since the year 2002, by adoption and use of the mark "CITADEL BUILDING SYSTEMS" by Defendant in respect of identical services is likely to cause confusion.
9. In light of above, strong *prima facie* case has been made out for grant of ad-interim relief in terms of prayer clauses (a) and (c), which read as under :

"(a) That pending the hearing and final disposal of the Suit, That this Hon'ble Court be pleased to pass a temporary order of injunction restraining the Defendant by themselves, their directors, servants, agents, distributors, dealers, assignees, stockists and all persons claiming under or through them from infringing the Plaintiff's registered trade mark "CITADEL" bearing trade mark registration bearing No. 6067851 and 6067852 under class 37, at Exhibit D1 and D3, by using the impugned and infringing name/ mark/ listing name 'CITADEL BUILDING SYSTEMS' (Exhibit L & Exhibit M) and / or any other trade mark that is identical

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with and / or deceptively similar to the Plaintiff's registered trade mark in relation to construction and infrastructural services/said services of the Plaintiff or cognate / similar / allied services, or in any other manner whatsoever in order to prevent the Plaintiff's trade marks from being diluted;

(c) That pending the hearing and final disposal of the Suit, that this Hon'ble Court be pleased to pass a temporary order of injunction temporarily restraining the Defendant by themselves, their directors, servants, agents, distributors, dealers, assignees, stockists and all persons claiming under or through them from using and/or promoting and/or operating their impugned website under the impugned domain name <https://citadelbuildingsystems.com/> (Exhibit L) in any manner whatsoever in relation to construction and infrastructural services/said services of the Plaintiff and other like / similar / allied/ construction services, under the impugned and infringing name/mark/ listing name 'CITADEL BUILDING SYSTEMS' and trading name "CITADEL BUILDING SYSTEM" which is identical with and / or deceptively similar to the Plaintiff's distinctive and prior used flagship brand/ registered trade mark "CITADEL."

- 10.** Stand over to **15th June, 2026.**
- 11.** Ad-interim relief granted earlier to continue till next date.

[SHARMILA U. DESHMUKH, J.]