

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

COMMERCIAL IP SUIT NO. 153 OF 2014

Ultratech Cement Ltd. & Anr. ...Plaintiff
Versus
Dalmia Cement Bharat Ltd. ...Defendant

WITH
INTERIM APPLICATION NO. 4688 OF 2025
IN
COMMERCIAL IP SUIT NO. 153 OF 2014

Mr. Hiren Kamod, a/w Alka Parelkar, I/b M/s. V.A. Associates for Plaintiff.
Mr. Rashmin Khandekar, Mr. Anand Mohan & Ms. Bhagwati Trivedi for
Defendant.

CORAM : ARIF S. DOCTOR, J.
DATE : 12th DECEMBER 2025

P.C.

1. The following issues are framed.

1. Whether this Hon'ble Court has jurisdiction to entertain and try the present Suit?

2. Whether the Plaintiffs prove that the Defendant, by use of the impugned mark "DALMIA ULTRA", is infringing the Plaintiffs' registered trademarks "ULTRATECH" bearing the registration Nos.

1244745, 1326528, 1575299, 1544648, 1340606, 1525671,
1525672, 1908355, 1908356, 1544649, 1551737, 2080449,
2080448, 2080447, 2103267. 3749193, 3999722, 3750651,
3750652?

3. Whether the Plaintiffs prove that the Defendant is passing off and/or enabling others to pass off its goods as the goods of the Plaintiffs by using the impugned mark "DALMIA ULTRA"?

4. Whether the Defendant makes out a defense to the action of infringement and/or passing off?

5. Whether the Plaintiffs prove that they are entitled to any damages?

6. To what relief, if any, are the Plaintiffs entitled to?

7. What order?

2. After the issues were framed, Mr. Kamod pointed out that the issue regarding jurisdiction had been raised under the then provisions of section 9 of Civil Procedure Code. He submits that, there is evidence laid by the Plaintiff in this regard which evidence shall be relied upon by the Plaintiff, at final hearing of the suit.

3. Needless to state that there is no impediment in the Plaintiff's doing so.

4. Plaintiff to file affidavit of evidence of all Plaintiff's witnesses along with compilation of documents and affidavit of documents within a period of four weeks from today.
5. List for further directions on **30th January, 2026**.

[ARIF S. DOCTOR, J.]