

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

IA NO. GA-COM/1/2025
In IP-COM/10/2025

ANAND FLOUR MILLS LIMITED
Vs
M V FOOD INDUSTRIES LIMITED AND ORS

Before:
The Hon'ble Justice RAVI KRISHAN KAPUR
Date: 5th February 2025

Appearance:
Ms. Sanchari Chakroborty, Adv.
Mr. Sourojit Dasgupta, Adv.
Ms. Tanishka Khandelwal, Adv.
Mr. S. Saha, Adv.
...for petitioner.

The Court: This is a suit for infringement and passing off.

The petitioner is engaged in the business of manufacture, distribution and sale of wheat, semolina and allied bran products for animal and cattle feed. In carrying out such business the petitioner had conceived and adopted a mark which contains a picture of a cow kneeling down and eating from a container with the caption "Milawat Rahit Chokar" and "Shuddhata Ka Khazana" in Hindi Language. The mark consists of a unique colour combination and get up. The mark has also been continuously and uninterruptedly used by the petitioner and has acquired immense goodwill. The petitioner has been carrying on such business since 1963 and the products of the petitioner have attained distinctiveness. The sales figures of the petitioners are also in crores. The petitioner has also spent extensively on advertising.

It is alleged that the respondent no. 2 was a distributor of the petitioner and after having a recent fallout with the petitioner, has started selling similar goods under the brand name "Anand Chokar".

The pictorial descriptions of the rival products are set out below:



Prima facie, there is a real possibility of confusion and deception created by the respondent in selling the impugned product. The impugned product is deceptively similar to that of the petitioner. Both the products are also in the same category of goods. The respondents appear to have deliberately indulged in free riding on the goodwill of the petitioner. There is also a clear attempt of the respondents to misrepresent.

In view of the strong *prima facie* case, irreparable injury and balance of convenience protective orders are necessary. According, there shall be an *ad interim* order of injunction in terms of prayers (a) and (c) of the Notice of Motion. The matter is made returnable on 11 February, 2025.

In the meantime, the petitioner is directed to serve all the respondents and file an Affidavit of Service on the returnable date.

(RAVI KRISHAN KAPUR, J.)