

ORDER SHEET

TEMPAPO-IPD/4/2025
WITH
IP-COM/22/2024
IA NO: GA-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

NEW LIFE LABORATORIES PRIVATE LIMITED
VS
APRIWAY HEALTHCARE PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date : 11th July, 2025.

Appearance:

Mr. Rudraman Bhattacharya, Sr. Adv.

Mr. Siddhartha Das, Adv.

Mr. Akash Munshi, Adv.

Mr. Harsh Tiwary, Adv.

Mr. Souvik Kundu, Adv.

Mr. Abir Debnath, Adv.

Mr. Siddharth Banerjee, Adv.

..for the appellant/petitioner

Mr. Sayan Roychowdhury, Adv.

Mr. Tanmoy Roy, Adv.

Mr. Bhavesh Garodia, Adv.

..for the respondent

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against a judgment and order dated April 29, 2025, whereby the appellant's interlocutory application for injunction has been dismissed by a learned Judge of this Court.

We need to hear out the appeal.

Mr. Bhattacharyya, learned Senior Counsel representing the appellant, tells us that all papers that were there before the learned Single Judge have been annexed to the stay petition. We shall treat the stay petition as informal paper-book.

All the formalities are dispensed with.

Since the respondent/defendant is represented through Counsel, notice of appeal is deemed to be waived.

List the matter on August 11, 2025 as agreed upon by and between learned Counsel for the parties, marked 3.30pm.

Mr. Bhattacharyya, learned Senior Counsel, says that after the order of the learned Single Judge was passed, the respondent/defendant has changed its name to Apriway from Dr. Ilyas New Life Homeo and Herbals Pvt. Ltd. However it continues to market its products under the old name which is in violation of the provisions of the Drugs and Cosmetics Act, 1940. He prays for an order of injunction restraining the respondent from manufacturing the concerned medicine in the name of Dr. Ilyas New Life Homeo and Herbals Pvt. Ltd.

Learned Counsel for the respondent strongly disputes the submission made on behalf of the appellant as also the authenticity of the Xerox copy of the defendant's packaging that has been filed in Court today.

Without fully applying our mind, we are not inclined to pass any order. However, it will be open to all concerned to draw any irregular or illegal act that the defendant may be committing in violation of any statutory provision, to the attention of the relevant competent authority.

(ARIJIT BANERJEE, J.)

(RAI CHATTOPADHYAY, J.)