

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

IA NO. GA-COM/1/2025
In IP-COM/39/2025

METRAVI INSTRUMENTS PRIVATE LIMITED
Vs
PRACHI BHATNAGAR AND ORS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 18th August, 2025.

Appearance:
Mr. Rudraman Bhattacharyya, Sr. Adv.
Mr. Anujit Mookherjee, Adv.
Mr. Harsh Tiwari, Adv.
Mr. Siddharth Banerjee, Adv.
Mr. B. Gupta, Adv.
...for plaintiff.

The Court: This is a suit for infringement and passing off. The suit as framed in the form of a John Doe/ Ashok Kumar action.

Briefly, the petitioner is a company, *inter alia*, engaged in the business of marketing, selling and distribution of digital clamp testers, and other industrial and scientific instruments and equipments of premium quality. Originally, the predecessor in interest of the petitioner, one Mr. Vikram Raj Bhansali had adopted and conceived of a unique trademark and house trademark METRAVI.

The mark METRAVI has been openly continuously, extensively and uninterruptedly been used by the petitioner since 1st July 1988 in class 9.

Subsequently, the predecessor in interest of the petitioner has also obtained registration of the mark METRAVI on 1st April 1998. The same remains valid and subsisting till date.

With the passage of time, the products and services of the petitioner have gained immense goodwill which led to the incorporation of the petitioner company in 2009. The grievance of the petitioner is primarily directed against unknown concerns, carrying on business and selling counterfeit products in an identical name and mark as that of the petitioner i.e. METRAVI.

It is contended on behalf of the petitioner that the modus being adopted by different entities and associates is to sell similar and identical products as those being manufactured by the petitioner under the name METRAVI through various online portals. In this connection, the petitioner submits that different counterfeit products are being unauthorizedly sold through Amazon as well as in the open market under an identical mark METRAVI. In such circumstances, the petitioner prays for appropriate protective reliefs.

The petitioner had also issued a cease and desist notice dated 28 January 2025 to the respondent no.1. The respondents are continuing to sell their products under the mark of the petitioner which clearly suggests that the respondent are intentionally imitating and selling deceptively similar products with ill-intent.

From the above, it is clear that this is a *prima facie* case of infringement and counterfeiting and that the petitioner is entitled to protection against the respondents. [*South India Surgical Company Limited Rep. by its Director Mr. Vivek Bajaj vs. Golden Sports & Surgical Industries, Rep. by its Propertier Ms. Poonam Verma (2021) SCC OnLine Mad 10744*].

The petitioner has also been able to demonstrate a strong *prima facie* case on merits. The balance of convenience and irreparable injury is also in favor of orders being passed as prayed for herein.

In view of the urgency and in the above circumstances, there shall be an order of injunction restraining the respondents their men, servants, agents, assigns nominees, representatives or any other person on their behalf from utilizing the mark METRAVI and selling or free advertising, marketing or promoting their products under the registered mark METRAVI.

Insofar as orders against the Ministry of Electronics and Information of Technology, Government of India is concerned, the petitioner is directed to serve a notice on the Union of India, who are requested to ensure representation on the returnable date.

Liberty is also granted to the petitioner to implead any other party if so advised in accordance with law.

The above order of injunction shall continue till 8 September 2025.

Let this matter appear on the 3 September 2025.

The order dated 7th August 2025 stands corrected to delete the name of Mr. K.K Pandey and Ms. Mallika Bhotra as appearing on behalf of the defendants.

(RAVI KRISHAN KAPUR, J.)

SK.