

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

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 September, 2025

Appearance:
Mr. Rudraman Bhattacharyya, Sr. Adv.
Mr. Anujit Mookherji, Adv.
Mr. Harsh Tiwari, Adv.,
Mr. Bhupendra Gupta, Adv.
...for the petitioner.

The Court: Affidavit of Service filed on behalf of the petitioner be kept with the records.

None appears on behalf of the respondents nor is any adjournment prayed for on their behalf.

The Union of India also remains unrepresented.

This is a suit for infringement and passing off.

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, Mr. Vikram Raj Bhansali had adopted and conceived a unique 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. Accordingly, 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 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].

In an unreported decision passed by the High Court at Delhi in CS (OS) 1197 of 2006, *M/S Castrol Limited & Another vs Mr. Thakur Dassochani & Others* dated 30 August 2011, it has been held as follows:

30. *The common law remedy of an action of passing off must also be allowed to the plaintiff because the defendants" deliberate misrepresentation through the use of identical goods, similar marks and duplicate artistic work cannot be allowed to continue. The defendants" dishonesty and misuse is blatantly obvious and must be condemned severely. There can be no coincidence which would have led them to adopt such similarities in their own goods if they were not seeking to piggy back on the plaintiff"s enviable business, reputation and goodwill. This is further compounded by the use of the name and address of the plaintiff for their own trade and there can be no justification for such misrepresentation.*

31. *The plaintiff"s well known and popular trade mark enjoys a position in the market which would make consumers believe that anything under their name is derived from them. The laboratory report produced by the plaintiffs clearly provides a gross deviation from the plaintiff"s high standards of quality and the sale and presence of such products in the market is likely to irrevocably damage the hard earned reputation and goodwill earned by the plaintiff over the decades. For an internationally well known brand, in today"s globalised world, such loss of reputation over quality can have catastrophic results for the business of the plaintiff.*

32. *The packaging of the defendants" products is also a substantial imitation of the overall artistic get-up, layout, and arrangement of the features of the plaintiff"s cartons and hence this amounts to infringement of copyright under S.51 of the Copyright Act, 1957.*

In the above circumstances, by an *ad interim* earlier order dated 18th August, 2025 this Court had granted 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.

Thereafter, the matter had appeared on 3 September, 2025 when the respondents chose to be unrepresented.

In view of the strong *prima facie* case, the balance of convenience and irreparable injury being in favour of orders being passed in favour of the petitioner. IA NO. GA-COM/1/2025 stands disposed of by confirming the order dated 18th August, 2025.

The plaintiff is directed to take expeditious steps for early hearing of the suit.

(RAVI KRISHAN KAPUR, J.)