

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

EC/19/2025

SOCIETE DES PRODUCTS NESTLE S. A. AND ANR.
VS
M/S. KIT KAT FOOD PRODUCTS AND ORS.

BEFORE:

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 21st August, 2025

Appearance:

Ms. Shristi Roy, Adv.

Mr. Sidhartha Sharma, Adv.

Mr. R. Dutt, Adv.

...for the decree-holder

The Court:- Learned Advocate for the decree-holder is present.

As it appears that the said decree is not two years old and prior to expiry of two years this case is filed service of notice upon the judgment-debtor is dispensed with at this stage. This Court by decree dated 31st July, 2023 in favour of the decree-holder permanently restrained the judgment-debtor using the trademark name or trademark "Kit Kat" and an artistic work or any other mark deceptively similar to the decree-holders' trademark "Kit Kat" label.

It is the contention of the decree-holder that the judgment-debtor in violation of the decree passed by this Court is using the said mark.

In the facts and circumstances, this Court is of the view that Special Officer be appointed to visit the rooms of judgment-debtor Nos.1 to 3 and to take inventory of all infringing goods. Thus, Mr. Rabindra Nath Pal, learned Advocate (Phone No.9830694083) and Ms. Kalyani Dey, learned Advocate (Phone No.6291450479) are appointed as Joint Special Officers.

The learned Joint Special Officers shall visit the premises of judgment-debtor Nos.1 to 3. They shall identify and take inventory of all infringing goods, packaging, marketing materials, signage, advertisements, printing blocks, moulds or any other materials bearing the impugned “Kit Kat” mark. They shall take necessary photographs.

Upon causing the inventory the learned Special Officers shall submit the report on or before 16th September, 2025. Learned Special Officer shall cause the inventory upon service of notice upon the decree-holder and their learned Advocates and also notice upon the judgment-debtors. Learned Special Officers are entitled to a remuneration of 1000 GM each.

Liberty to mention in the case of exigency.

Let the matter appear on 16th September, 2025.

(BISWAROOP CHOWDHURY, J.)