

OIPD-3

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

IPDCR/15/2022

MONGIA STEEL LTD. (SR NO. 2/2019/CR/EZ)
Versus
SHREE KHATHU SHYAMJI CEMENT MFG. PVT. LTD. AND ANR.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 20th August 2026

Appearance:
Mr. Rajeev Kumar Jain, Adv.
Ms. Yamini Mahawar, Adv.
For the Appellant.

Mr. Swatarup Banerjee, Adv.
Mr. Indrajeet Dasgupta, Adv.
Mr. Madhu Jana, Adv.
For the respondent no.2.

The Court:- The appellant submits that in view of a judgment and decree dated 10th December, 2019 passed by the learned Principal District Judge, Dhanbad, the copyright has been held to have been granted to the appellant by injuncting the defendant in the said suit being the respondent herein from using the same copyright which is the subject matter of this appeal. It, however, appears from the judgment and decree dated 10th December, 2019 that the suit was for infringement and passing off action by the appellant to protect its trade mark. The matter requires to be deliberated on this issue for which the presence of the respondent no.1 in this appeal is necessary.

Let the appellant give a notice to the respondents that this matter will appear in the list on 2nd September, 2026.

As and by way of abundant caution, the appellant will serve a notice on the advocate of the respondent no.1 who represented the said respondents before the learned District Judge at Dhanbad as also to the advocate who represented the respondent no. 1 before the High Court of Jharkhand.

(ARINDAM MUKHERJEE, J.)

snn.