

# Allied Blenders And Distillers Limited vs Tilaknagar Industries Limited & Ors on 24 December, 2024

**Author: Amit Bansal**

**Bench: Amit Bansal**

\$~14

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(COMM) 1199/2024 & I.A. 49780-49784/2024  
ALLIED BLENTERS AND DISTILLERS LIMITED .

Through: Mr. Rajiv Nayar, S  
Akhil Sibal, Advoc  
Shrawan Chopra, Mr  
Mr. Adyut Tewai, M  
Ms. Krisha, Advoca  
Mr. Bhushan.

versus

TILAKNAGAR INDUSTRIES LIMITED & ORS.....  
Through: Mr. Jayant Mehta,  
Mr. Akhil Saxena,

CORAM:  
HON'BLE MR. JUSTICE AMIT BANSAL

OR

% 24.12.2024 I.A. 49781/2024\_(O-XI R-1(4) of the Commercial Courts Act)

1. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents under the Commercial Courts Act, 2015.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of. I.A. 49782/2024 (exemption from filing clearer copies of documents)
4. Allowed, subject to the plaintiff filing legible copies of the documents within four (4) weeks from today.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 26/12/2024 at 22:14:52

5. The application stands disposed of.

I.A. 49783/2024 (u/s 12A of Commercial Courts Act)

6. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in Yamini Manohar v. T.K.D. Krithi, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

7. The application stands disposed of.

I.A. 49784/2024 (u/S 63(4)(C) of the Bharatiya Sakshya Adhiniyam and Order XI Rule 6 (3) CPC)

8. This application has been filed by the plaintiff seeking time for filing Hash Report under Section 63 (4)(c) of the Bharatiya Sakshya Adhiniyam, 2023.

9. For the reasons stated in the application, the plaintiff is granted four weeks' time to file abovesaid Hash Report.

10. Application stands disposed of accordingly. CS(COMM) 1199/2024

11. Let the plaint be registered as a suit.

12. Issue summons.

13. Counsel appearing on behalf of the defendants accepts summons and waives issuance of formal summons.

14. Mr. Jayant Mehta, Senior Counsel appearing on behalf of the defendants raises an issue with regard to territorial jurisdiction of this Court to entertain the present suit.

15. The same will be considered after the defendants file their written statement(s).

16. Written statement(s) shall be filed by the defendants within thirty days.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 26/12/2024 at 22:14:52. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

17. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

18. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

19. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

20. List before the Court on 24th January, 2025. I.A. 49780/2024\_(O-XXXIX Rule 1 & 2 of CPC)

21. The present suit has been filed seeking relief of permanent injunction restraining the defendants from infringing the trademark, copyright of the plaintiff, passing off their goods as that of the plaintiff, along with other ancillary reliefs.

22. Issue Notice.

23. Notice is accepted by counsel appearing on behalf of the defendants.

24. Mr. Mehta, Senior Counsel, on telephonic instructions from the defendants, submits that the defendants will stop using the impugned label on their product and there shall be no further bottling in respect of bottles containing the impugned label with effect from 26th December, 2024.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 26/12/2024 at 22:14:53  
24.1 The aforesaid statement is taken on record and the defendants shall be bound by the same.

25. Mr. Mehta further submits that the aforesaid statement would be subject to the right of the defendants to exhaust the existing bottled stock bearing the impugned label.

25.1 In this regard, the defendants shall file an affidavit within two (2) weeks giving the details of the existing bottled stock bearing the impugned label along with batch number.

26. Reply(ies) be filed within three (3) weeks.

27. Rejoinder(s) thereto, if any, be filed within one (1) week thereafter.

28. List before the Court on 24th January, 2025.

AMIT BANSAL, J DECEMBER 24, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 26/12/2024 at 22:14:53