

# Victoria Foods Private Limited vs Rajdhani Masala Co. & Anr. on 2 August, 2022

**Author: Prathiba M. Singh**

**Bench: Prathiba M. Singh**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 02nd August, 2022

+ CS(COMM) 108/2021

VICTORIA FOODS PRIVATE LIMITED

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Through: Mr. Rohit Gandhi, Mr. Adhish Shrivastava, Mr. Hargun Singh Kalra & Mr. Pradeep Dudy, Advocates (M-9818610321).

versus

RAJDHANI MASALA CO. & ANR.

..... Defenda

Through: Ms. Maninder Acharya, Sr. Advocate with Mr. Madhu Sudan, Mr. Ankit Kakkar, Mr. Vikhyat Oberoi & Mr. Ilam Paridi, Advocates (M-9971423535).  
Mr. Anurag Ahluwalia, Mr. Vishal Chanda & Mr. Danish Faraz Khan, Advocates (M-9999975448).  
Mr. Anuj Aggarwal, ASC for GNCTD with Ms. Ayushi Bansal, Mr. Sanyam Suri & Mr. Arshya Singh, Advocates  
Mr. Rakesh Chaudhary & Mr. Vijay Jakhwal, Advocates for FSSAI (M-9811188090)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.

I.A. 16059/2021 (seeking intervention)

1. This is an application filed on behalf of Mr. Nikhil Jain, who claims to be the legal heir and successor of Late Sh. D.K. Jain, seeking intervention in the present suit.

2. None has appeared in the present application and pressed the same. Accordingly, I.A.16059/2021 is dismissed as not pressed.

3. It is made clear that this Court has not examined the merits of the present application.

I.As. 13031/2021 (u/O XXXIX Rule 2A CPC), 4587/2022 (u/O XXXIX Rule 2A CPC), 8461/2022, 8859/2022, 8969/2022 (u/O XXXIX Rule 2A CPC)

4. The present suit has been filed by the Plaintiff - Victoria Foods Private Limited against Defendant No.1 - Rajdhani Masala Co., which is the sole proprietary concern of Mrs. Asha Rani Kohli. The said sole proprietor is around 80 years of age and the business of the said sole proprietary concern is being run by her two sons - Mr. Pawan Kohli, as also, Defendant No.2 - M/s. New Rajdhani Masala, through its proprietor, Mr. Ravi Kohli. Mr. Pawan Kohli and Mr. Ravi Kohli (hereinafter, 'Defendants') are brothers.

5. The Plaintiff is engaged in the business of manufacture and sale of spices and other food products. It is stated to be a reputed name in the food industry and is also one of India's largest producers and exporters of food products such as cereals, grains, basmati rice, atta, spices, etc. In the present case, the Plaintiff has sought protection of its registered trademark 'RAJDHANI' along with the logo thereof. The Plaintiff claims to be the proprietor of various trademarks for the mark 'RAJDHANI' in Classes 29, 20, 31, 32, adopted in the year 1966, as also, various international registrations for the said mark.

6. The Plaintiff had moved an application being I.A.3527/2021 seeking interim injunction, in the present case. Vide a detailed judgment dated 1st September, 2021, the application was disposed of granting interim relief to the Plaintiff. The findings of the Court in the said judgment dated 1st September, 2021, are set out below:

"4. The following are the findings of the Court:

a) The mark 'RAJDHANI' has been used since 1966 and the Plaintiff-company was founded in 1983.

b) The Memorandum of Family Settlement dated 31st March, 2009, was discussed.

The Plaintiff is held to be the prior user of the mark.

c) There is no evidence on record to show that the Defendant has ever used any of its products under the mark 'RAJDHANI', though the Defendant has been in business since the 1960s.

d) The only solitary document relied upon by the Defendants, is the legal notice and reply dated 18th July, 2008 and 9th August, 2008, stated to have been exchanged between the sister concern of the Plaintiff and the Defendant, where a claim is made that the trademark has been used since 1965."

7. Vide the above judgment dated 28th April, 2022, the Id. Single Judge had also negated the plea of prior user and concurrent user. Thus, an interim injunction was granted, in the following terms:

""36. It is also a matter of fact that the plaintiff is the registered owner of the said trademarks details of which are as follows:-

Prima facie the plaintiff is the first in the market with the trademark 'Rajdhani'. The plaintiff is the registered owner of the said trademark.

37. I may compare the two trademarks being used by the plaintiff and the defendant.

Signing Date:05.08.2022 10:30:42 Clearly, the defendant is using the trademark 'Rajdhani' for allied and cognate goods which is identical as that of the trademark of the plaintiff and prima facie infringing the rights of the plaintiff.

38. The plaintiff has made out a prima facie case. In view of the above, an interim injunction is passed in favour of the plaintiff and against the defendants restraining the defendants its directors, proprietors, etc. from using in any manner the trademark 'Rajdhani' or any other trademark which is deceptively similar to the trademark of the plaintiff."

8. An appeal being FAO (OS) 124/2021 has been filed challenging the said judgment which is stated to be pending before the Id. Division Bench of this Court.

9. The present order is necessitated in view of the various applications under Order XXXIX Rule 2A CPC which have been filed by the Plaintiff, wherein there were repeated allegations of violation of the injunction order dated 1st September, 2021. The applications allege that subsequent to the injunction order dated 1st September, 2021, the Defendants continued to manufacture the infringing products under the mark 'RAJDHANI', including 'Rajdhani Coriander Powder, Rajdhani Chilli Powder, Rajdhani Turmeric Powder, etc. It is also alleged that the Defendants continued to advertise on the e-commerce platform - IndiaMart.

10. Notice was issued in the contempt application being I.A.4587/2022 on 24th March, 2022. On the said date, Id. Counsel for the Plaintiff had handed over to the Court six products manufactured by the Defendants, and it was brought to the notice of the Court that the said products were bearing manufacturing dates which were post the injunction order dated 1st September, 2021. Thus, a Local Commissioner was appointed to visit the premises of the Defendants on the same very day. The relevant paragraphs of the order dated 24th March, 2022, are reproduced below:

"8. Mr. Rohit Gandhi, Id. Counsel for the Plaintiff submits that the Defendants continue to manufacture the said products in blatant violation of the judgment dated 1st September, 2021. He has handed over to the Court six packaging of 'Rajdhani Turmeric Power', Rajdhani Red Chilli Powder', Rajdhani Coriander Powder', Rajdhani Cumin Powder', Rajdhani Dry Mango Powder' and Rajdhani Dry Ginger Powder'. It is noticed that all of the said products bear manufacturing dates post the injunction which was granted on 1st September, 2021. He also relies upon the various shops which are openly retailing these products and the listings on 'www.indiamart.com' where the Defendants' products continue to be offered for sale, even as on date. The print outs from the website 'www.indiamart.com' filed on record is dated 17th March, 2022 and bears the timestamp of 8:05 p.m.

9. Upon a query put to Mr. Lall, Id. Senior Counsel, he submits under instructions from Mr. Arun Singhal, Id. Counsel that the Defendants have not manufactured or sold the products under the injuncted mark or logo 'RAJDHANI' post the injunction

being granted. The advertisement is also stated to be inadvertent. He categorically submits that the products which have been handed over do not belong to his client, and the same have not been manufactured by his client.

10. A perusal of the products which have been handed over to this Court, prima facie shows that the matter requires investigation to the effect that the entire range of products bearing the manufacturing dates of September, 2021-November, 2021, are continuing to be sold in the market. Accordingly, this Court deems it appropriate to get this matter investigated through a Local Commissioner.

11. Mr. Dushyant K. Mahant, Advocate who is present in Court is appointed as a Local Commissioner to visit the Defendants' premises bearing no. B-34, Lawrence Road, Industrial Area, Delhi-110035, today itself. The instructing counsel for the Defendants shall ensure that no information regarding the appointment of the Local Commissioner is passed on to the proprietor or any other person working for or with the Defendants, so as to ensure that the Local Commission can be executed in an uninformed and surprising manner. "

11. The Local Commission was executed over three days i.e., 24th March, 2022, 25th March, 2022, and 26th March, 2022, for more than 18 hours. The report of the Local Commissioner dated 22nd April, 2022, revealed that substantial quantities of infringing products were found in the premises of the Defendant. Further, it was also found that manufacturing was being carried out by the Defendants, and fresh packaging was seen on the machines at the time when the Local Commissioner reached the premises. The photographs of the premises, as also, the products were also placed on record. The inventory showed that over 43 tonnes of spices, under the mark 'RAJDHANI' has been found at the premises. In view of the findings of the Local Commissioner, an application under Section 340 Cr.PC was also filed by the Plaintiff, annexing several photographs which the Local Commissioner had made available to the parties. The relevant extracts are set out below:

"12. In view of the findings of the Local Commissioner, the Plaintiff has now filed an application being Crl. M.A.7863/2022 under Section 340 Cr.P.C. It is not disputed that the Local Commissioner's photographs were uploaded on Google Drive and the access thereof was given to both the parties. These photographs are now annexed with the application under Section 340 Cr.P.C reveal further disturbing facts which could have very grave consequences.

13. The said photographs show that various products of other manufacturers such as Tata, Catch, Badshah masala, etc. were also found in the premises of the Defendants, including Catch Red Chilli Powder, Tata Pav Bhaji Masala, Tata Sampann Chicken Masala, bearing manufacturing dates of three to four years ago. Large cartons of Tata products and products manufactured by other third-party manufacturers were also found at the premises of the Defendants. A perusal of these photographs prima facie shows that expired products of other manufacturers are being sourced by the Defendants, and are being re-packed as 'RAJDHANI' branded products. The photographs are extremely disturbing revealing. Considering that the products in question are spices being used in

food products which are for human consumption, this Court is of the opinion that the Defendants are not merely indulging in violation of intellectual property rights of the Plaintiff, but are clearly committing various other offences, under the Food Safety and Standards Act and Regulations, and other statutes related to adulteration of food."

12. On 28th April, 2022, after hearing detailed submissions on behalf of the parties and the statements made to the Court by the parties themselves, an inspection was directed by the Food Inspector, GNCTD and the officials of the FSSAI at the godowns and other premises of the Defendants at B-34, Lawrence Road, Industrial Area, Delhi-110035. An inspection was also directed in respect of any other 'RAJDHANI' branded products or any products lying in plain packaging or plain bags. A status report was called for from the Food Inspectors, in the following terms:

"17. At this juncture, this Court is constrained to direct an inspection by the concerned authorities including Food Inspectors and officials of the Food Safety and Standards Authority of India ("FSSAI") by visiting the premises of the Defendants at B-34, Lawrence Road, Industrial Area, Delhi-110035, as also, any other godowns or other premises where the Defendants' products may be kept or any other premises of the Defendants available on the records of the FSSAI. The officials shall inspect the Defendants' premises tomorrow, i.e., on 29th April, 2022 and make inquiries about the Defendants' 'RAJDHANI' branded products or any other products if lying in plain packaging or plain bags. Let the inspectors submit a detailed status report on the following aspects:

1. Status of the bulk masalas which may be now lying in plain packaging or bags, as to whether they are current or expired products. Officials are permitted to lift samples.
2. Assessment as to the daily production and sale in the factory of the Defendants.
3. Whether the Defendants are engaged in re-packaging of expired goods of other manufacturers. If yes, what is the manner in which the Defendants are sourcing the said expired products.
4. What is the manner in which the Defendants' products are being sold in the market."

13. On the said date, the factory of the Defendants was also directed to be sealed, in the following terms:

"21. In the meanwhile, the factory of the Defendants at B-34, Lawrence Road, Industrial Area, Delhi- 110035, shall remain sealed and no manufacturing shall be permitted in the said factory. The officials shall conduct the inspection tomorrow and seal the factory."

14. Insofar as the assets of the Defendants are concerned, the following was revealed to the Court, as recorded in the order dated 28th April, 2022:

"22. The Defendants have stated that they do not have any other factory or premises, apart from the factory situated at B-34, Lawrence Road, Industrial Area, Delhi-110035. The residential properties of Mr. Ravi Kohli & Mr. Pawan Kohli are stated to be as under:

1. C-538, Saraswati Vihar, Pitampura, Delhi - 110034

2. 408, Kohat Enclave, Pitampura, Delhi - 110034

23. However, the Defendants submit that they do have two other properties in Lawrence Road, Delhi where no work is being done. The said properties are stated to be empty and the same are as under:

1. B-55, Lawrence Road, Delhi - 110035.

2. A-14, Lawrence Road, Delhi - 110035."

15. Submissions on behalf of the parties were heard in part from time to time. On 1st June, 2022, a status report by the GNCTD and FSSAI was also filed on record. A testing of the samples of the Defendants' products, seized by the Local Commissioner and kept under superdari, was also directed on the said date. On the said date, a submission was made on behalf of the Defendants that the Defendants are willing to fully and finally settle the matter by changing their brand name/mark to 'RMC'. In view of the said statement, the matter was adjourned to the very next date, i.e., 2nd June, 2022.

16. On 2nd June, 2022, however, the Defendants resiled from the statement made by them on the previous day, and took the stand that they were not willing to change over to the mark and trading name 'RMC' and 'RAAVI MASALA COMPANY' and would like to pursue the appeal on merits. Accordingly, this Court proceeded to hear the matter, and arguments on all the contempt applications were concluded on the said date.

17. Insofar as the seized goods were concerned, the same were lying on superdari with the Defendants. Considering the fact that the said products are masalas (spices) for human consumption, in order to ensure that the same can be utilised in some manner, it was directed that, after inspecting the masalas and upon finding them fit to be consumed, the said masalas shall be donated for a charitable purpose to any religious or charitable institution, within Delhi, including for the purposes of langar in Gurdwaras, etc. The relevant portion of the order dated 2nd June, 2022 is extracted below:

"5. Insofar as the goods seized by the Local Commissioner in the premises of the Defendants are concerned, the same are lying under superdari with the Plaintiff. The

said products were clearly manufactured in violation of the interim order dated 1st September, 2021 which is operating in the suit. As the said products are masalas (spices), it is deemed appropriate to permit the said products to be used before they become unfit for human consumption. Mr. Anuj Aggarwal, ld. Counsel appearing for the Food Safety Department, GNCTD submits that the samples in terms of last order dated 1st June, 2022 have been taken yesterday, and the test reports in respect of the said samples are likely to be received, within a week or so.

6. Since the Court is closing for summer vacation, subject to the product samples which have been lifted yesterday from the Plaintiff's premises, being declared as being fit for human consumption, the entire stock of masalas seized from the Defendants' premises, shall be donated for a charitable purpose to any religious or charitable institution within Delhi, including for the purposes of langar in Gurudwaras, etc. If any other such charitable institution can be identified by the GNCTD, the same shall also be communicated to the Plaintiff for the purpose of donation. One of the Food Inspectors on behalf of the GNCTD shall be present at the time of donation of the various stocks which are lying with the Plaintiff to the said institutions. After the said stock is donated, a status report in this regard shall be filed by the food inspector, GNCTD, as also, by the Plaintiff."

18. Time was sought and granted to file a formal reply to the two of the contempt applications. Thereafter, the matter was adjourned to 2nd August, 2022. A prima facie view was also given by this Court on 2nd June, 2022 that the Defendants have brazenly violated the orders passed by this Court by manufacturing, selling, and offering for sale, products branded as 'RAJDHANI', post the injunction order dated 1st September, 2021. Under such circumstances, the Court had directed as under:

"8. After having heard detailed submissions for the last three hearings, in view of the conduct of the Defendant as recorded previously and in view of the manner in which the Defendants have sought to resile from the submissions made yesterday i.e., on 1st June, 2022 by ld. Sr. counsel appearing for the Defendants, this Court is, prima facie, of the opinion that the Defendants have brazenly violated the orders passed by this Court by manufacturing, selling, and offering for sale, products branded as 'RAJDHANI' spices and masalas, post the injunction order dated 1st September, 2021.

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10. Issue notice in the CRL.M.A. 7863/2022. Let the reply be filed in the said application within four weeks.

11. The factory premises of the Defendants shall continue to remain sealed in terms of the order dated 28th April, 2022."

19. Mr. Anuj Aggarwal, Id. Counsel for GNCTD submits that, in terms of the last order dated 2nd June, 2022, the masalas which were seized by the Local Commissioner and were fit for human consumption, have been supplied to Gurdwara Rakab Ganj Sahib today. Insofar as chicken and meat masala are concerned, he submits that the same is to be supplied to other religious institutions, such as the Nizamuddin Dargah. Let the needful be done, within a week, without any further delay.

20. Replies have been filed on behalf of the Defendants in the contempt applications. Ms. Maninder Acharya, Id. Senior Counsel has appeared on behalf of the Defendants. She submits that the Defendants do not wish to contest the contempt applications and they tender an unconditional apology to the Court, with the assurance that they would abide by whatever terms the Court may fix for them to purge the contempt.

21. This Court has perused the said replies. However, in view of the submissions made, the Court is to now consider as to whether the Defendants ought to be allowed to purge the contempt, and if so, on what terms. A perusal of the replies shows that Mr. Pawan Kohli and Mr. Ravi Kohli are both brothers, with families i.e., their respective wives and children, as also, their mother - Mrs. Asha Rani Kohli, who is around 80 years of age. Though, the Defendant - sole proprietary concern is in the name of Mrs. Asha Rani Kohli, Mr. Pawan Kohli and Mr. Ravi Kohli run the day-to-day business of the said concern. In the aforementioned replies, the seized material and products which was lying on superdari with the Defendants and now stands donated, is stated to be worth approximately Rs.4 crores. The relevant extracts from the said replies are set out below:

"2. At the outset, it is submitted that Mr. Pawan Kohli and Mr. Ravi Kohli, humbly apologize, deeply regret and are remorseful for not following the Order of this Hon'ble Court dated 01.09.2021.

3. To this effect, Mr. Pawan & Mr. Ravi have also tendered an unconditional, written apology to this Hon'ble Court vide their Affidavits dated 24.05.2022, filed along with I.A. No. 8859/2022 at pages 16 & 18 respectively.

4. Further, on 01.06.2022 and 02.06.2022, when the captioned matter was listed before this Hon'ble Court, through Id. Senior Counsel, Mr. Pawan & Mr. Ravi once again tendered a heartfelt apology, and in addition, upon inquiry from this Hon'ble Court, had offered to suffer the following as punishment, subject to the acceptance of this Hon'ble Court:

Donation of seized materials a. As per the report of the Local Commissioner, a total of 43,630.90 kgs of material was seized from the premises of the Defendants, which included packaging material as well as masalas. b. Out of the said seized material, approximately 15,000 kgs was packing material, and approximately 28,630.9 kgs was masalas, basis the calculations made by Mr. Pawan & Mr. Ravi to the best of their efforts.



c. On 01.06.2022, during the hearing before this Hon'ble Court, it was submitted on behalf of the Plaintiff that the seized material was worth approximately Rs. 4 crores. The Hon'ble Court also observed that the material may actually be worth between Rs. 1 to 2 crores. d. It is submitted that without contesting the aforesaid valuations, Mr. Pawan & Mr. Ravi had in fact unconditionally prayed for distribution of the seized material for a charitable purpose to any religious or charitable institution.

Penalty of Rs. 7 lakhs each e. On the said dates, i.e. 01.06.2022 and 02.06.2022, Mr. Pawan & Mr. Ravi also unconditionally offered to donate a sum of Rs. 7 lakhs each, to whichever cause this Hon'ble Court deemed fit.

Service in a religious institution f. On the said dates, Mr. Pawan & Mr. Ravi had further unconditionally offered to do seva / service in Gurudwara, or any other religious institution, as per the directions of this Hon'ble Court."

22. This Court has perused the reports of the Local Commissioners which were filed on record and the findings thereupon have been recorded in the previous order dated 27th April, 2022 and 28th April, 2022 passed by this Court. The concern of this Court is as follows:

i. That it now stands admitted on record that the Defendants were manufacturing and selling 'RAJDHANI' branded products including masalas, post the injunction order dated 1st September, 2021.

ii. The Local Commissioner has seized huge quantities of products and material running into 43 tonnes, including packaging and other material.

iii. The Local Commissioner's visit and the photographs filed by him thereafter, also showed that the machinery was being continuously used for packaging 'RAJDHANI' branded masalas. The rolls of packaging were found on the machines with the mark 'RAJDHANI' visible on the same. iv. Photographs of products of other brands such as 'TATA', 'CATCH', etc., were also filed by the Local Commissioner. The same were stated to have been expired products. Till date, there is no proper and valid explanation given by the Defendants as to why such expired products of other brands being 'TATA', 'CATCH', etc., were lying in the Defendants' premises. The explanation given today that some third-party owed money to the Defendants, and in lieu of the said amounts owed to them, the said masalas were confiscated by the Defendants and stored at their premises, is completely unacceptable to this Court. As per the Local Commissioner's report, those masalas were expired goods. The only inference that the Court can draw from the same is that the said masalas were being repackaged by the Defendants and sold under the mark 'RAJDHANI'.

v. The said expired third-party products had been removed from the premises of the Defendants after the visit of the Local Commissioner and were nowhere to be found when the Food Inspectors visited the factory premises of the Defendants. vi. The

products manufactured and offered for sale by the Defendants are for human consumption. Hence, this Court is concerned about the fact that Defendants, in utter violation of the orders of the Court, had manufactured 'RAJDHANI' branded masalas, despite the injunction order dated 1st September, 2021. The conduct of the Defendants was so contumacious that some of the Defendants' products handed over to the Court were found to be bearing manufacturing dates subsequent to the injunction order dated 1st September 2021, meaning thereby that the Defendants did not even make an attempt to disguise the manufacturing date.

23. In view of the above conduct, this Court was inclined to impose the strictest of the punishment to the Defendants. However, having seen the stand taken in the replies to the contempt applications, as also, the fact that the Defendants have expressed remorse and have tendered unconditional apologies, this Court has decided to impose heavy monetary penalty upon the Defendants while accepting the apologies tendered by them. Some of the mitigating factors which have persuaded the Court to impose heavy monetary fine, and not imprisonment, are set out below:

- i. That a large quantum of products was seized by the Local Commissioner which have now been denoted to a charitable cause. Thus, the Defendants have already incurred losses qua the said masalas which were seized by the Local Commissioner.
- ii. The factory premises of the Defendants have been sealed since 20th April, 2022, and it is submitted that there has been no production at the said factory premises in the intervening period.
- iii. The Defendants have also expressed remorse and tendered unconditional apologies, which have been extracted hereinabove.
- iv. The Defendants have agreed to change over to the mark and trading name 'RMC' or 'RAAVI MASALA COMPANY'. The Defendants have also agreed to change the labels accordingly.

24. In view of the conduct of the Defendants, coupled with mitigating factors set out above, this Court accepts the unconditional apologies tendered by the Defendants subject to compliance of the following directions:

- i. The Defendants shall pay a sum of Rs. 30,00,000/- as costs, which the Plaintiff has incurred towards legal fees and pursuing the contempt applications, as also, in paying the fees of the Local Commissioners, engaging of seven vehicles for transporting the goods seized by the Local Commissioner on superdari, retaining warehouses to store the same, and engaging manpower in the said warehouses. The said amount of Rs.30,00,000/- shall be paid to the Plaintiff, on or before 15th September, 2022.
- ii. Out of the costs of Rs.30,00,000/- as set out in (i) above, Rs.10,00,000/- shall be paid, within a week, subject to which the factory premises of the Defendants, situated at B-34, Lawrence Road, Industrial Area, Delhi-110035, shall be de-sealed after the said payment is made.
- iii. In addition, the Defendants shall deposit a sum of Rs.25,00,000/-

in the Prime Minister's National Relief Fund, on or before 15th November, 2022.

iv. Finally, a sum of Rs.20,00,000/- shall be deposited with the worthy Registrar General of this Court, on or before 15th January, 2023. The said amount shall be retained in a fixed deposit on auto-renewal mode, and shall be subject to the final decision in the present suit.

25. The Defendants shall, henceforth, use the mark/name 'RMC'/'RAAVI MASALA COMPANY', for the masalas of their manufacture and sale. Insofar as the red and white colour combination and label used by the Defendants for their products is concerned, the same shall be broadly changed to yellow, red and white. A sample thereof shall be supplied to the Id. Counsel for the Plaintiff, within two weeks.

26. It is made clear that the change over by the Defendants to the brand name/mark 'RMC'/'RAAVI MASALA COMPANY', shall be subject to the outcome of the appeal being FAO (OS) 124/2021 pending before the Id. Division Bench of this Court, as also, the final adjudication of the present suit. The said change-over shall also be without prejudice to the rights and contentions of the Defendants in the said appeal.

27. The factory premises of the Defendants, situated at B-34, Lawrence Road, Industrial Area, Delhi-110035, is directed to be de-sealed, once the first payment of Rs. 10,00,000/- is made to the Plaintiff, in order to enable the Defendants to commence their business again and deposit the above amounts, in the manner set out hereinabove. The de-sealing of the factory premises of the Defendants shall be subject to the compliance of the above terms, failing which the Plaintiff is at liberty to move an application seeking sealing of the said factory premises.

28. All applications are disposed of, in the above terms. CS(COMM)-108/2021 & CRL.M.A. 7863/2022

29. List on 21st November, 2022.

PRATHIBA M. SINGH JUDGE AUGUST 2, 2022 Rahul/DJ/AD