IN THE HIGH COURT OF DELHI AT NEW DELHI

BEFORE

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

 # CNR No. DLHC010250622026

+ CS(COMM) 635/2026 & I.A. 15627/2026

Between:

DABUR INDIA LIMITED
HAVING ITS REGISTERED OFFICE AT:
8/3 ASAF ALI ROAD,
NEW DELHI – 110002 .....PLAINTIFF

(Through: Mr. Hemant Singh with Ms. Mamta Rani Jha, Mr. Manish K. Mishra, Ms. Akansha Singh & Ms. Saloni Raghuvanshi, Advocates.)

Versus

ANCHOR CONSUMER PRODUCTS PVT. LTD.
HAVING ITS REGISTERED OFFICE AT:
C-201, INNOVA, MARATHON NEXT GEN, OFF G. K. MARG,
OPP. PENINSULA CORPORATE PARK,
LOWER PAR, EL (W), MUMBAI,
MAHARASHTRA, INDIA, 400013

ALSO AT:
UNIT-2, SURVEY NO. 58-60,
62-65, VILLAGE PADARTHA, HARIDWAR,
UTTARAKHAND – 249404 .....DEFENDANT

(Through: Ms. Swathi Sukumar, Sr. Advocate with Mr. Kunal Vats, Mr. Sreejan Pankaj, Mr. Shitanshu Abhishek & Mr. Mayur Gala, Advocates.)

% Reserved on: 29.10.2026
Pronounced on: 20.11.2026

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

J U D G M E N T

The plaintiff has its registered office at Delhi and a sub-ordinate office at Mumbai. The defendant has its registered office at Mumbai. The plaintiff's suit is for trademark and copyright infringement along with a claim for passing off. The plaintiff claims to be the proprietor of trademarks registered in its favour for Dabur Red Paste label/packaging. It also claims to be the owner of the copyrights existing in the said label. It is contended by the plaintiff that it launched its dental care products under the brand Dabur Lal Ganthmanjan/Dabur Red Tooth Powder in 1970 and, thereafter, launched another variant in the category of toothpaste under the brand Dabur Red in the year 2003 and has been selling the same ever since.

2. In 2024, the plaintiff is stated to have learnt that the defendant "*launched/was planning to launch*" ANCHOR RED toothpaste under a label, carton, packaging, get-up, and trade dress which is a blatant imitation of the plaintiff's protected IP. The plaintiff also claims to have learnt about the defendant's website, where the defendant was stated to be advertising and offering for sale the impugned ANCHOR RED toothpaste. Eventually, the plaintiff ended up filing a suit against the defendant for trademark and copyright infringement apart from passing off and unfair competition before the Tis Hazari District Court bearing CS(COMM)-232/2025. In the said suit, an application under Order VII Rule 10 of the Code of Civil Procedure, 1908[1] came to be filed by the defendant. This application was allowed *vide* order dated 08.08.2025, *inter alia*, on grounds of territorial jurisdiction, and the plaint was returned. The learned District Judge (Commercial), arrived at

[1] "CPC".

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

the conclusion that no cause of action, at all, had accrued within the jurisdiction of that Court.

3. The order of 08.08.2025 was assailed by the plaintiff before this Court in FAO(COMM)-302/2025. During the pendency of the appeal, the plaintiff filed an application bearing CM APPL. No. 35180/2026 seeking an early hearing of the appeal or in the alternative the grant of leave to the plaintiff to file a fresh suit. *Vide* order dated 22.05.2026, this Court allowed the said application while observing as under:

> "**4.** The learned counsel for the appellant states that though the findings in paragraphs 27 and 30 reveal that the Commercial Court in the facts of the case as existing on the date of filing of the plaint, lacked territorial jurisdiction, but as the appellant has the cause of action to file in Delhi, today, he shall withdraw the appeal to pursue the remedy as available in law. The submission made by the learned counsel for the appellant is contested by the counsel for the respondent.
>
> **5.** Noting the submission made by the counsel for the appellant, the application is allowed. The appeal is dismissed as withdrawn.
>
> **6.** Suffice to state that we have not expressed ourselves on the merits of the issue which arises for consideration in this appeal and also on the submission made by the counsel for the appellant as noted above."

4. Para. 37 of the plaint contains the grounds on the basis of which jurisdiction of this Court is sought to be invoked, it reads as under:

> "**JURISDICTION**
>
> **37.** This Hon'ble Court has jurisdiction to entertain and try the present suit under Section 134(2) of The Trade Marks Act, 1999 and Section 62(2) of The Copyright Act, 1957 as the Plaintiff is residing within the territorial jurisdiction of this Hon'ble Court at its registered office at 8/3, Asaf Ali Road, New Delhi - 110 002 apart from also carrying on its business within the territorial jurisdiction of this Hon'ble Court from above address. The cause of action has also arisen on account of sale, advertisement and offer

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

> for sale of infringing product within the territorial jurisdiction of this Hon'ble Court. This Hon'ble Court has jurisdiction to try and entertain the present suit since the Defendant is selling its impugned ANCHOR RED toothpaste along with various other products and carrying on business through its distributors, franchisees, agents etc. within the jurisdiction of this Hon'ble Court. This Hon'ble Court also has jurisdiction to try and entertain the present suit since the Defendant is aggressively selling, marketing, offering for sale its product under the impugned label/carton/packaging/get-up/trade dress in physical markets in Delhi and on e-commerce platforms such as Amazon, Youtube etc. which are accessible from Delhi. Hence, this Hon'ble Court also has jurisdiction under Section 20(c) of Code of Civil Procedure, 1908 to entertain and adjudicate the present suit."

5. For prayers pertaining to copyright and trademark infringement, the plaintiff can rely upon Section 134(2) of the Trade Marks Act, 1999 and Section 62(2) of the Copyright Ac, 1957. Since the plaintiff has its registered office within the local limits of this Court, a suit at Delhi for these reliefs is maintainable, simply on the strength of the special provisions noted above. A relief for passing off has also been claimed. The decisions of the Supreme Court in ***Dhodha House***[2] and ***Dabur***,[3] as noted in ***ABD Maestro***,[4] require jurisdiction, territorial and otherwise, to be satisfied for each relief sought in a suit. Merely by clubbing reliefs, a suit not otherwise maintainable before a given Court cannot be made maintainable. The question, thus, is whether for the purposes of passing off, jurisdiction of this Court is made out.

6. Reliefs relating to passing off are to be adjudged on the basis of Section 20 of the CPC. Under clause (a) of Section 20, the plaintiff could have agitated this dispute before the court within whose jurisdiction the

[2] (2006) 9 SCC 41.
[3] (2008) 10 SCC 595.
[4] 2026:DHC:9844.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

defendant carries on business. The defendant has its registered and principal office at Mumbai.[5] The plaintiff also has its sub-ordinate office at Mumbai.

7. Under clause (c) of Section 20, a court where the cause of action (wholly or in part) has accrued, also has jurisdiction to maintain a suit. Even in the year 1980, as the decision in ***Mohan Meakin***[6] reveals, courts were cautious of jurisdictional rules possibly allowing big corporations unbridled discretion in filing actions in any part of the country. The High Court of Punjab and Haryana noted that for M/s Mohan Meakin Breweries Ltd., the plaintiff therein, "*it is easy for it to have dragged this public Corporation into litigation even at a far off place like Kanya Kumari if the only evidence necessary to give jurisdiction to that Court was of purchasing of a few bottles by any agent of Mohan Meakin Limited from someone locally there.*"

8. A similar concern was shown by our Court in ***Glen Raven Mills Inc.***,[7] where the Court held that in a case of passing off, it is necessary to prove that the supply made by the defendant at a particular place was on a commercial scale. There should also be a direct transaction of sale and purchase between the defendant and a distributor, whole-seller or a retailer, and such transactions should be on a commercial scale. Para. 12 of the said decision reads as under:

> "**12.** With a view, therefore, to give jurisdiction to the Court in a case of passing off, it is necessary to prove that the supply made by the defendant at a particular place was on a commercial scale. There should have been direct

[5] See ***Sanjay Dalia***, (2015) 10 SCC 161, para. 16 for the proposition that the registered office is, subject to pleadings to the contrary, the principal office.
[6] ***Himachal Pradesh Horticulture Produce Marketing and Processing Corp. Ltd. v. M/s. Mohan Meakin Breweries Ltd.***, 1980 SCC OnLine P&H 297.
[7] 1995 SCC OnLine Del 724.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

> transaction of sale and purchase between the defendant and a distributor or a wholeseller or a retailer and such transactions should be of commercial proportion."

9. The decision in ***Glen Raven Mills*** was followed by this Court in ***Indovax***, and more recently in ***ABD Maestro***. The conclusions concerning a suit for passing off were as under:

> "**150.** From the discussion above, it may be concluded that in a suit for passing off:
>
> > **a.** Cause of action (wholly or in part) can be said to have arisen within the territorial jurisdiction of a court only if the defendant has made sales of the goods carrying the impugned trademark within the jurisdiction of a given Court. Direct sales are made by the defendant not to an individual consumer but to a distributor, wholesaler or a retailer. Such sales are at a commercial scale. Mere availability of goods within the jurisdiction of a forum court does not confer jurisdiction.
> >
> > **b.** Sale of goods within the territorial jurisdiction of the forum court by a firm which does not act as a distributor, wholesaler, retailer, or agent of the defendant, does not confer jurisdiction.
> >
> > **c.** Where goods are procured by a firm from another firm that is outside the jurisdiction of the forum court and in turn sold within the territory of the forum court, jurisdiction shall not, be conferred."

10. For transactions and alleged passing off in the offline world, the plaint along with the documents on record does not satisfy the requirement set out above. There are averments in the plaint that the defendant is selling its impugned product along with various other products through its distributors, franchisees, agents etc., within the jurisdiction of this Court; and that the defendant is aggressively selling, marketing, offering for sale its product under the impugned label/carton/packaging/get-up/trade dress in physical

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

markets in Delhi. However, these averments are not supported by any documents.

11. In ***Indovax***,[8] this Court, while returning the plaint noted "*the plaintiff only states that the goods of the defendants are available for sale in Delhi but this averment is not supported by any documentary evidence.*" The Supreme Court in ***Manjula***[9], as noted in ***ABD Maestro***, has also exhorted that empty averments in the plaint ought to be pierced. The shield of the demurrer doctrine cannot be used to facilitate forum shopping, make a mockery of jurisdictional rules, and render nugatory the concept of a court's *local limits*. Such averments, therefore, will not be sufficient to make this Court entertain this suit.

12. Insofar as the question of concluded transactions through websites is concerned, the ***Banyan Tree***[10] standard is required to be satisfied. The plaintiff is required to demonstrate that commercial transactions were concluded between the defendant and persons within the forum court's jurisdiction through the website in question. The two Invoice Bills highlighted during the course of the hearing find mention at pages 946 and 947 of the record. The infringing product as per these bills was sold by one RK WorldInfocom Pvt. Ltd. which is situated at Gurgaon, Haryana. This company is not the defendant. Impugned products could be sold by any person who may agree to sell them at Delhi. That does not, however, make a

[8] 2017 SCC OnLine Del 9393.
[9] 2026 INSC 465.
[10] 2009 SCC OnLine Del 3780.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

different party liable to be summoned at Delhi. Cumulatively, the ***Banyan Tree*** standard is not satisfied.

13. As noted above, for a suit seeking multiple reliefs, jurisdiction of a given court needs to be established for each prayer. Neither in relation to offline transactions and sales nor in relation to online or website-based activity, has a cause of action for the relief of passing off been made out within the local limits of this Court. Jurisdiction under Section 20 of the CPC, for the relief of passing off is therefore, not made out.

14. While the Court does have jurisdiction with respect to the claims concerning trademark and copyright infringement, it does not have jurisdiction for the relief concerning passing off. Thus, the suit, as it is, cannot proceed. The plaintiff must either strike off pleadings concerning the relief of passing off or the plaint must be returned.

15. Accordingly, in the interest of justice, the suit is being listed on 23.11.2026 for the plaintiff to seek instructions.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

NOVEMBER 20, 2026
Rao

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:20.11.2026 15:38:10

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV