



2025:DHC:7221-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ FAO (COMM) 227/2025 & CAV 316/2025, CM APPL.
51450/2025, CM APPL. 51451/2025, CM APPL. 51452/2025,
CM APPL. 51453/2025

ITC LIMITED

.....Appellant

Through: Mr. Sandeep Sethi, Sr. Adv.
with Mr. Hemant Singh, Ms. Mamta Jha,
Ms. Shruttima Ehersa, Ms. Aiswarya
Debadarshini, Advs.

versus

COTY INTERNATIONAL BV

.....Respondent

Through: Mr. Dayan Krishnan, Sr. Adv.
with Mr. Aniruddh Bakhru, Mr Rishi
Bansal, Mr Rishabh Gupta, Mr Mankaran
Singh, Mr Arpit Pundir, Ms Bhoomika
Khaneja, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

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21.08.2025

C. HARI SHANKAR, J.

1. In view of the fact that the impugned order dated 4 August 2025, passed by the learned Commercial Court, has granted a stay on the ground of passing off without returning any specific finding on the aspect of goodwill, Mr. Dayan Krishnan, learned Senior Counsel for the respondent, on instructions, is agreeable to a disposal of this



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appeal by setting aside of the impugned order and remanding the respondent's application under Order XXXIX Rules 1 and 2 of the CPC for *de novo* consideration by the learned Commercial Court.

2. In that view of the matter, let the parties appear before the learned Commercial Court on 1 September 2025.

3. Needless to say, the learned Commercial Court would decide the matter uninfluenced by any observation contained in the impugned order.

4. Both sides agree that they would not seek any adjournment before the learned Commercial Court on next date of hearing.

5. We also request the learned Commercial Court to take up the arguments on that date and pass orders on the respondent's application under Order XXXIX as expeditiously as possible.

6. As the impugned order is set aside, the goods of the appellant would also be released.

7. We make it clear that we have not expressed any observation on the merits of the matter.

8. All questions of fact and law shall remain open to be agitated before the learned Commercial Court.



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9. The appeal stands disposed of accordingly.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

AUGUST 21, 2025/dsn