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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ **C.O. (COMM.IPD-TM) 179/2023**

**THE HERSHEY COMPANY**

..... Petitioner

Through: Mr. Urfee Roomi, Ms. Apoorva Bharati, Ms. Anuja Chaudhury, Mr. Ritesh Kumar, Mr. Anubhav Chhabra & Ms. Radhika Arora, Advs. (M: 9811600017)

versus

**DILIP KUMAR BACHA, TRADING AS SHREE GANESH  
NAMKEEN & ANR**

..... Respondents

Through: Mr. Nikhil Sharma and Mr. Shakti Priyan Nair, Advs. assisting the Court. (M:9711721913)  
Mr. Aditya Gupta, Assisting the Court.  
Mr. Harish Vaidyanathan Shankar, CGSC, with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advs.  
Mr. Vaibhav Vutts, Adv. Assisting the Court.  
Mr. Kapil Wadhwa, Mr. RV Yogesh, Ms. Sindoor VNL, Mr. Twinkle Rathi & Mr. KV Pawan Kumar, Advocates. (M: 9533864588)

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**WITH**

+ **C.O. (COMM.IPD-TM) 778/2022 and I.A. 20333/2022**

**KOHINOOR SEED FIELDS INDIA PVT LTD**

..... Petitioner

Through: Mr. Adarsh Ramanujan, Ms. Sulekha Agarwal, Ms. Soumya Singh & Mr. Prince Pathak, Advs. (M: 8860193982)

versus

**VEDA SEED SCIENCES PVT. LTD. & ANR.**

..... Respondents

Through: Mr. Nikhil Sharma and Mr. Shakti



Priyan Nair, Advs. Assisting the Court.

Mr. Aditya Gupta, Assisting the Court.

Mr. Harish Vaidyanathan Shankar, CGSC, with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advs. (M: 9810788606)

Mr. Kapil Wadhwa, Mr. RV Yogesh, Ms. Sindoor VNL, Mr. Twinkle Rathi & Mr. KV Pawan Kumar, Advocates.

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WITH

**C.O. (COMM.IPD-TM) 782/2022 and I.A. 20524/2022**

**KOHINOOR SEED FIRLDS INDIA PVT LTD** ..... Petitioner

Through: Mr. Saurav Agarwal; Mr. Adarsh Ramanujan, Mr. Skanda Shekhar, Ms. Sulekha Agarwal, Ms. Soumya Singh, Mr. Prince Pathak, Ms. Kavya Pahwa and Ms. Divya Hirawat, Advs.

versus

**VEDA SEED SCIENCES PVT LTD & ANR.** ..... Respondents

Through: Mr. Nikhil Sharma and Mr. Shakti Priyan Nair, Advs. assisting the Court.

Mr. Aditya Gupta, Assisting the Court.

Mr. Harish Vaidyanathan Shankar, CGSC, with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advs.

Mr. Kapil Wadhwa, Mr. RV Yogesh, Ms. Sindoor VNL, Mr. Twinkle Rathi & Mr. KV Pawan Kumar,



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Advocates.

WITH

**C.O. (COMM.IPD-TM) 783/2022**

**KOHINOOR SEED FIELDS INDIA PVT LTD** ..... Petitioner

Through: Mr. Saurav Agarwal; Mr. Adarsh Ramanujan, Mr. Skanda Shekhar, Ms. Sulekha Agarwal, Ms. Soumya Singh, Mr. Prince Pathak, Ms. Kavya Pahwa and Ms. Divya Hirawat, Advs.

versus

**VEDA SEED SCIENCES PVT LTD & ANR.** ..... Respondents

Through: Mr. Nikhil Sharma and Mr. Shakti Priyan Nair, Advs. assisting the Court.

Mr. Aditya Gupta, Assisting the Court.

Mr. Harish Vaidyanathan Shankar, CGSC, with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advs.

Mr. Kapil Wadhwa, Mr. RV Yogesh, Ms. Sindoor VNL, Mr. Twinkle Rathi & Mr. KV Pawan Kumar, Advocates.

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WITH

**CS(COMM) 828/2022 and CRL.M.A. 8235/2023, I.A. 20135/2022, 20140/2022, 21994/2022, 2200/2023, 2212/2023, 12359/2023**

**M/S KOHINOOR SEED FIELDS INDIA PVT LTD** ..... Plaintiff

Through: Mr. Saurav Agarwal; Mr. Adarsh Ramanujan, Mr. Skanda Shekhar, Ms. Sulekha Agarwal, Ms. Soumya Singh, Mr. Prince Pathak, Ms. Kavya Pahwa and Ms. Divya Hirawat, Advs.

versus



M/S VEDA SEED SCIENCES PVT LTD

..... Defendant

Through: Mr. Nikhil Sharma and Mr. Shakti Priyan Nair, Advs. assisting the Court.

Mr. Aditya Gupta, Assisting the Court.

Mr. Harish Vaidyanathan Shankar, CGSC, with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advs.

Mr. Kapil Wadhwa, Mr. RV Yogesh, Ms. Sindoor VNL, Mr. Twinkle Rathi & Mr. KV Pawan Kumar, Advocates.

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AND

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**C.O. (COMM.IPD-TM) 151/2022**

LIBERTY FOOTWEAR COMPANY

..... Petitioner

Through: Mr. Kapil Wadhwa, Ms. Surya Rajappan, Ms. Tejasvini Puri & Ms. Vasanthi Hariharan, Advs. (M: 9891929028)

versus

LIBERTY INDUSTRIAL GROUP PTE LTD. & ANR.

..... Respondents

Through: Mr. Gautam Wadhwa, Adv. for R-1. (M: 9871444784)

Mr. Aditya Gupta, Assisting the Court.

Mr. Harish Vaidyanathan Shankar, CGSC, with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advs.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **11.10.2023**

1. This hearing has been done through hybrid mode.



**CS(COMM) 828/2022 and CRL.M.A. 8235/2023, I.A. 20135/2022, 20140/2022, 21994/2022, 2200/2023, 2212/2023, 12359/2023**

2. The present suit for infringement of trademarks 'SADANAND' and 'TADAAKHA' has been filed by the Plaintiff-M/s Kohinoor Seed Fields.

3. The present suit was tagged with the cancellation petition where issues of jurisdiction were being considered by the Court. However, there is an urgency expressed that an injunction order dated 1st December 2022 has been operating. Accordingly, the suit is de-tagged from the cancellation petitions being *C.O. (COMM.IPD-TM) 783/2022* and *C.O. (COMM.IPD-TM) 782/2022*.

4. After the issue of jurisdiction is decided, the parties may move for consolidation of the cancellation petition once again, at a later stage, if permissible.

5. This suit is, accordingly, listed on 9th February, 2024 for hearing of the pending applications.

6. This suit shall not be treated as part heard.

**C.O. (COMM.IPD-TM) 151/2022**

**C.O. (COMM.IPD-TM) 778/2022 and I.A. 20333/2022**

**C.O. (COMM.IPD-TM) 782/2022 and I.A. 20524/2022**

**C.O. (COMM.IPD-TM) 783/2022**

**C.O. (COMM.IPD-TM) 179/2023**

7. Today, submissions by Ld. Counsel Mr. Nikhil, who is assisting the Court and Mr. Kapil Wadhwa, Ld. Counsel appearing on behalf of the Petitioner in *C.O. (COMM.IPD-TM) 783/2022* have been heard.

8. Judgments reserved in these matters on the issue of jurisdiction.

**PRATHIBA M. SINGH, J.**

**OCTOBER 11, 2023**

*dj/dn*

*C.O. (COMM.IPD-TM) 179/2023 & connected matters*

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