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

\+ CS(COMM) 849/2025 & I.A. 20090-20094/2025

YMI GHAR SOAPS PRIVATE LIMITED .....Plaintiff

Through: Mr. Chander M. Lall, Sr. Adv. with Mr. Subhash Bhutoria and Ms. Anuja Negi, Advs.

versus

ASHOK KUMAR TRADING AS BENDIST EXPORT HAMARE GHAR KA SOAPS & ORS. .....Defendants

Through: Mr. Saikrishna Rajgopal with Mr. Akshay Maloo, Adv. for D-12
Mr. Dheeraj Nair and Mr. Angad Baxi, Advs. for D-13 and 14
Mr. Saikrishna Rajgopal with (through vc) Mr. Vivek Ayyagari, Ms. Mishti Dubey and Mr. Abhay Aren, Advs. for D-15
Ms. Nidhi Raman, CGSC along with Mr. Om Ram, Adv. for Defendant No. 16.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 19.08.2025

I.A. 20091/2025 (Application under Order XI Rule 1(4) (amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015) read with Section 151 of the Code of Civil Procedure, 1908 for seeking leave to file additional documents)

1. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ('CPC') [as

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amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ('Commercial Courts Act')], within 30 days.

2. The Plaintiff, if it wishes to file additional documents, will file the same within 30 days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').

3. For the reasons stated in the application, the same is allowed.

4. Accordingly, the application is disposed of

I.A. 20093/2025 (application on behalf of the plaintiff under Section 12A of the Commercial Disputes Act, 2015 read with Section 151 CPC seeking exemption from instituting pre-litigation mediation)

5. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC, filed by the Plaintiff seeking exemption from instituting pre-litigation mediation.

6. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgment of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**[1], exemption from the requirement of pre-institution mediation is granted to the plaintiff.

7. Accordingly, the application stands disposed of.

I.A. 20094/2025 (Application under Section 151 CPC, seeking exemption from advance service to Defendant Nos. 1-10)

8. The present application has been filed by the Plaintiff seeking exemption from advance service to Defendant Nos. 1 to 10.

9. In view of the fact that Plaintiff has sought an ex-parte ad-interim

[1] (2024) 5 SCC 815

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injunction as also the details of the said defendants are incomplete or unavailable, in these peculiar facts, the exemption from affecting advance service upon the Defendant Nos. 1 to 10 is granted.

10. Accordingly, the application stands disposed of.

I.A. 20092/2025 (Application under Order XI Rules 1, 3 and 5 of the Code of Civil Procedure, 1908 (as amended by the Commercial Courts, Commercial Division and Commercial Appellate Divisions of High Courts Act, 2015) seeking discovery, production and inspection of the Defendants' documents)

1. Issue notice. Learned counsel for Defendant Nos. 12, 14 and 15 accepts notice.

2. Defendant Nos. 12, 14 and 15 are directed to file their reply. Rejoinder thereto, if any, be filed within two (2) weeks thereafter.

3. Reply to the information sought at prayer clause A, B and C be filed within four (4) weeks.

4. At this stage, Defendant Nos. 12, 14 and 15 are directed to furnish the information sought at paragraph 3(D) of this application, within one (1) week. In addition, the said Defendants will also provide the BSI details of all the sellers for the listings enlisted at paragraph '17' of the plaint.

5. At this stage, notice in this application is not being issued to the Defendant Nos. 11 and 13.

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6. Let the plaint be registered as a suit.

Summons to Defendant Nos. 12, 14 and 15

7. Learned counsel for Defendant Nos. 12, 14 and 15 accepts summons. They confirm the receipt of the suit paper book and waive formal service of summons.

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8. The written statements must be filed within thirty (30) days from the date of receipt of the summons. The Defendant(s) shall also file affidavits of admission/denial of the documents filed by the Plaintiff, failing which the written statements shall not be taken on record.

9. The Plaintiff is at liberty to file replication(s) thereto within thirty (30) days after filing of the written statements. The replication(s) shall be accompanied by affidavits of admission/denial in respect of the documents filed by the Defendant(s), failing which the replication(s) shall not be taken on record.

10. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

11. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

Submissions qua objections to impleadment of Defendant Nos. 11 and 13

12. Learned counsel for Defendant No. 12 states that Defendant No. 11 is not the party responsible for the listings on the Amazon website. Similarly, learned counsel for Defendant No. 14 states that Defendant No. 13 is not responsible for the listings on the Flipkart and Shopsy websites. They state that Defendant Nos. 11 and 13 be deleted from the array of parties. They state that Defendant Nos. 12 and 14 are duly represented in these proceedings and will abide by any directions for take down issued by the Court and therefore Defendant Nos. 11 and 13 are not necessary or proper parties.

13. Learned counsel for the Plaintiff states that he reserves his rights to address arguments on the submissions of Defendant Nos. 12 and 14.

14. The objections with respect to the impleadment of Defendant Nos. 11

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and 13 are kept open.

Amended memo of parties vis-à-vis Defendant Nos. 1 to 10 and 15

15. Learned counsel for Defendant No. 15 states that the correct address details of the entity operating the website 'Meesho' has been provided to the learned counsel for the Plaintiff.

16. Learned counsels appearing for Defendant Nos. 12 and 14 are also directed to provide the details of the entities enlisted at Defendant Nos. 1 to 10 within one (1) week, so as to enable the Plaintiff to amend the memo of parties.

17. The Plaintiff shall amend the memo of parties on receipt of the said details about Defendant Nos. 1 to 10 and 15, within one (1) week.

Summons to Defendant Nos. 1 to 11 and 16

18. After the amended memo of parties has been filed, upon steps being taken by the Plaintiff, issue summons to Defendant Nos. 1 to 10 by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.

19. The summons shall indicate that the written statement(s) must be filed within thirty (30) days from the date of receipt of the summons. The Defendant(s) shall also file affidavit(s) of admission/denial of the documents filed by the Plaintiff, failing which the written statement(s) shall not be taken on record.

20. The Plaintiff is at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit of admission/denial in respect of the documents filed by Defendant(s), failing which the replication(s) shall not be taken on record.

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21. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

22. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

23. No summons is being issued to Defendant No. 16 as no substantive relief is claimed against Defendant No. 16.

24. List before the learned Joint Registrar (J) on **25.09.2025**.

25. List before the Court on **25.11.2025.**

I.A. 20090/2025 (Application on behalf of the Plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 CPC seeking inter alia ex-parte ad interim and ad interim injunction against the defendants)

26. The present application has been filed by the Plaintiff under Order XXXIX, Rules 1 and 2 of the CPC, seeking inter alia ad interim injunction.

27. The present suit pertains to Plaintiff's intellectual property right in the trademark/tradename '**GHAR SOAPS**', and the sale of counterfeit products as Plaintiffs' with deceptively similar packaging by various unidentified/ unscrupulous entities, who have been impleaded as Defendant Nos 1-10 (John Doe).

28. Mr. Chander Lall, Senior counsel for Plaintiff, sets up the Plaintiff's case as under:

28.1. Plaintiff is a Direct-to-Consumer (D2C) business dealing in personal care products such as soaps for human application, essential oils, cosmetics, etc. The said business started in 2019 under the brand and identity '**GHAR SOAPS** by Mr. Sunny Jain and Mr. Sayyam Jain, and the Plaintiff Company was incorporated in 2024.

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28.2. Plaintiff has applied for registration of its marks through various applications filed with the trademark registry in India for '**GHAR SOAPS**',

, packaging, and shape of the soaps, in various classes. Its first application bearing No.7158251 was for '**GHAR SOAPS**' under Class 3, claiming use since 24.08.2019. The Plaintiff has also applied for copyright registration for its packaging under application number AT-28784/2025-CO. The details of these applications of the Plaintiff have been mentioned in paragraph '11' of the plaint. Further, as per the said paragraph '11', the said trademark and copyright applications, along with others, are pending registration.

28.3. Plaintiff's products have garnered substantial goodwill through a loyal customer base and revenue. Plaintiffs' turnover for the year 2024-2025, as per paragraph '5' of the plaint, was Rs.49.11 Crores. Plaintiff has been actively promoting its products through its e-commerce websites i.e., www.gharsoaps.in and www.gharsoaps.shop, and through other leading digital channels such as Amazon, Flipkart, etc. Plaintiffs' business model is primarily and predominantly based on online sales and marketing. The marketing expenses incurred by the Plaintiff have been listed in paragraph '8' of the plaint, and for the year 2024-2025 it is stated to be Rs. 11,52,62,578/-.

28.4. Plaintiff has independently created and consistently used distinctive packaging for its products with unique colour schemes, motifs, and presentation styles reflecting its brand ethos. The brand name '**GHAR**

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SOAPS' and its unique packaging have become integral to the Plaintiff's goodwill and business identity. The brand name and the packaging has become the most prominent part of its trading identity and global outreach.

28.5. The artistic creation in Plaintiff's packaging was done by the Plaintiff's employee in the course of his employment with the Plaintiff, as well as during his engagement with the predecessor proprietor prior to the incorporation of the Plaintiff Company. In order to perfect and consolidate its ownership and title over the said artworks, the Plaintiff, in July 2025, executed a Confirmatory Ownership Agreement with the predecessor proprietor and the concerned employee, whereby all intellectual property rights in the aforesaid artworks were duly assigned in favour of the Plaintiff. The Plaintiff is the sole and exclusive owner of the original artworks in question.

28.6. Pursuant to market investigation and test purchases (as detailed in paragraph 18 of the plaint), it was revealed that unidentified Defendants are selling infringing products on e-commerce websites with deceptively similar packaging, titles, metadata, and presentation as that of the Plaintiff. Some listings appear to originate from common manufacturers or related entities operating multiple *alias* seller accounts, indicating a deliberate, malafide and coordinated operation.

28.7. The e-commerce sites, i.e., Defendant Nos. 12, 14, and 15 have permitted numerous third parties to sell and market infringing/counterfeit products through their platforms. The links to some of these infringing listings selling counterfeit products have been tabularised in paragraph '17' of the plaint.

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28.8. Defendant Nos. 1-9 have sought trademark registrations for marks, i.e., 'GHOR SOAP', 'HAMARE GHAR KA SOAP', with fictitious addresses. Further, the said applications have been filed with the names of individuals or entities, as different from those disclosed as manufacturer/seller on the packaging of the infringing products.

As per the Plaintiff, the said applications have been filed solely to misuse premium services of e-commerce platforms, such as 'Sponsored Ads'/ 'Amazon Ads', 'Brand Assure', 'F Assured', and similar schemes. By using registration applications and false GST details, infringing sellers gain visibility and unfair promotion through the said platform's advertising tools, by placing their listings alongside or above the Plaintiff's genuine products. This results in direct, unfair competition and harms the Plaintiff's lawful business. Schemes like 'Brand Registry' and 'Brand Assure' are commercial marketing tools designed to generate revenue for platforms like Amazon, Flipkart etc., thereby facilitating infringement, unfair competition, and consumer deception.

28.9. It is the case of the Plaintiff that Defendant Nos. 12, 14, and 15 are permitting unscrupulous/unauthorised and infringing sellers to unlawfully 'latch on' to the Plaintiff's trademarks and branding. Such conduct enables these sellers to misrepresent their goods as those originating from or affiliated with the Plaintiff. The said infringing sellers, having no nexus whatsoever with the Plaintiff, are brazenly exploiting the Plaintiff's goodwill and hard-earned brand recognition by unauthorisedly reproducing and using the Plaintiff's registered trademarks, original marketing material, product photographs, descriptions, taglines, and packaging layout, thereby deceitfully passing off their counterfeit goods as those of the Plaintiff.

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28.10. Plaintiff through its representative had placed various orders from Defendant Nos. 12, 14 and 15, and the counterfeit products delivered by said Defendants has Stock Keeping Unit ('SKU') of Plaintiff's brand '**GHAR SOAPS'** mentioned on the outer packaging of the product delivered, which leads the consumers to associate/believe that the counterfeit products originate from the Plaintiff or that the said product belongs to the Plaintiff.

28.11. The 'Report Infringement' mechanisms available on the E-commerce platforms have proven to be only partially effective, as Defendant No. 12 have declined to remove infringing listings on the ground that the Plaintiff's trademark is pending registration, notwithstanding the Plaintiff's enrolment in the Brand Registry Program of the said Defendant. Similarly, with respect to copyright cases, Defendant No. 12 have rejected complaints on unreasonable grounds or imposed unreasonable preconditions such as requiring proof of test purchases. Further, even where infringing listings are removed from platforms of Defendant No. 14 and Shopsy, the same reappear shortly thereafter through the same or related sellers employing identity masking. Consequently, the takedown process remains repetitive and ineffective. Despite the Plaintiff's *bonafide* and diligent efforts, the mechanisms have failed to provide effective or lasting relief, and there remains an apprehension that the infringing goods continue to remain in the platforms' inventory despite delisting.

29. Mr. Lall, learned Senior Counsel for the Plaintiff, contends that intermediaries like Amazon and Flipkart allow infringing sellers to 'latch on' their products to listings of popular or best-selling branded products even if these infringing sellers are in no manner associated with the concerned popular or best-selling brand. He states that these infringing

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sellers add the listing of the popular or best-selling branded products to their page, after which they can use the original brand name, photos, and product description without permission from the said brand owner. He states that thereby, these infringing seller uses someone's product photo and brand name to make their product look like that of the popular or best-selling brands.

29.1. He states that similarly, various counterfeit products of unidentified Defendant Nos. 1-10 have latched on to the Plaintiff's goodwill due to the above-mentioned facility made available to them by e-commerce platforms. He states that Defendant Nos. 1-10 are using the '**GHAR SOAPS'** images and trademark to sell counterfeit products of inferior quality at a lower rate.

29.2. He refers to the poor reviews received by the infringing goods on the e-commerce platforms. He states, however, such bad reviews are referred to the Plaintiff's trademark and to a third-party user it would create an adverse view against the Plaintiff's products.

30. In reply, Mr. Saikrishna Rajgopal, learned counsel appearing for the Defendant No. 12, states that the practice of 'latching on' to existing product listings is permissible and forms an inherent part of the platform's operational algorithm. He states, such algorithm-driven processes occur automatically and without the active intervention of e-commerce platforms and thus, the said Defendant has no knowledge or control over counterfeit products being offered by infringing seller for sale under the Plaintiff's trademark.

30.1. He states that in furtherance of the prayer sought by the Plaintiff, Defendant No. 12 is willing to take down all the infringing links as mentioned in paragraph '17' of the plaint. He states that insofar as the issue

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of ‘latching on’ is concerned, the same does not constitute the foundation of the present Plaint. He states that Plaintiff’s grievance against Defendant No. 12 would stand addressed upon the removal of the impugned listings, and no further cause of action would survive against the said Defendant once such listings are taken down.

31. This Court has heard the learned counsels for the parties and perused the record.

32. A perusal of the plaint and the documents annexed therewith clearly establishes that the Plaintiff’s trademark/tradename ‘**GHAR SOAPS**’ has acquired substantial goodwill and reputation in the market. The Plaintiff has, through consistent use and wide-scale promotion, become a well-recognized brand. The distinctive qualities of the Plaintiff’s products, coupled with their unique presentation and marketing, have enabled the Plaintiff to develop a strong brand association in the minds of the public.

33. Furthermore, the Plaintiff’s documented sales turnover and business growth serve as compelling evidence of the popularity, demand, and consumer preference enjoyed by the mark ‘**GHAR SOAPS**’ in India.

34. Defendant Nos. 1-8 and 10, which are unidentified and rogue entities that are illegally listing counterfeit products by using the Plaintiff’s packaging, trade dress, and presentation, which is deceptively similar to the Plaintiff’s goods. It is evident that they act with mala fide intent, seeking to misrepresent and ride upon the Plaintiff’s goodwill. In the opinion of this Court, an average consumer will not be able to distinguish the counterfeits from the Plaintiff’s products, and the likelihood of confusion is inevitable.

35. On examination of the products produced before this Court for inspection and the comparison of the products of Defendant Nos. 1 to 8 and

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10 set out at paragraph '20' of the plaint, it is clear that these listings display the Plaintiff's marks/trademarks or deceptively similar marks whilst selling counterfeit products, thereby infringing the Plaintiff's trademarks and constituting an act of passing off as well.

36. In overall conspectus, Plaintiff has made out a prima facie case for the grant of an injunction against Defendant Nos 1-8 and 10. This Court is satisfied that if the interim injunction is not granted at this stage, irreparable injury would be caused to the Plaintiff. Balance of convenience also lies in favour of the Plaintiff, and against the Defendants.

37. Accordingly, the following directions are issued:

37.1. Defendant Nos. 1 to 8 and 10, their partners, proprietors, family members, affiliates, officers, servants, agents, franchisees, representatives, distributors, and all others acting for and on their behalf are restrained from:

i. Using, in the course of their trade and business, in any manner whatsoever, the Plaintiff's brand and trademarks, '**GHAR SOAPS**',

and the distinctive packaging/ proprietary trade dress, details of which are provided in paragraph '11 (a)' of the plaint, including inter alia 'Ghor Soaps', 'Ghars Soap', 'Hamare Ghar Ka Soap', etc. or any other imitation thereof.

ii. Copying, reproducing, adopting and/ or using the Plaintiffs Copyright Works, details of which are provided in paragraph '11 (b)' of the plaint, or any other artwork, unique packaging, marketing creatives, taglines or other such original literary or artistic material,

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which work or material is a substantial imitation of the Plaintiff's said Copyright Works; packaging, trade dress, get-up, colour combination, layout, artwork, or branding that is a colourable imitation or reproduction of the Plaintiff's proprietary packaging and artistic works.

37.2. The Plaintiff has stated that the infringing products bearing deceptively similar or identical trademarks and deceptively similar or identical packaging are listed on all the links set out at paragraph '17' of the plaint. These links are in addition to the links of Defendant Nos. 1 to 8 and 10.

37.3. Defendant Nos. 12, 14, and 15 are directed to block and/ or suspend the infringing listings, including the listings mentioned in paragraph '17' of the Plaint and to delist and/or black-list the John Doe Defendants, i.e., Defendant Nos. 1 to 8 and 10.

37.4. In case, any other third party is found to be infringing upon/violating the Plaintiff's brand and business and packaging, Plaintiff will be at liberty to approach Defendant Nos. 12, 14 and 15 for suspending the said infringing listing by making a written request addressed to the grievance officer and copied to the counsel appearing in this matter. Defendant Nos. 12, 14 and 15 will act on the said request within 48 hours. In case Defendant Nos. 12, 14 and 15 have any reservation on action upon the said written request they will give their reasons in writing to the Plaintiff within the said 48 hours. And, the Plaintiff will be at liberty to approach the Court for the injunctive relief.

37.5. The Plaintiff will file an affidavit within one (1) week of all listings taken down by Defendant Nos. 12, 14, and 15 at its request in furtherance of the aforesaid liberty granted to the Plaintiff.

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38. If any seller, which is not primarily an infringing seller, is blocked in pursuance of the present order, it is permitted to approach this Court by giving an undertaking that it does not intend to do any illegal selling of any counterfeit goods, and the Court would consider modifying the injunction accordingly.

39. With respect to Defendant No. 9, this Court has examined its brand name XELOVA and its packaging. This Court is prima facie not satisfied that the trademark or the packaging is deceptively similar to the packaging and the trademark of the Plaintiff. This Court is therefore, not inclined to direct the removal of its listings. Learned senior counsel for the Plaintiff has contended that Plaintiff is aggrieved by SKU 'GHAR SOAPS' assigned by Defendant No. 14 to the said product, which presumably leads to its listing with the Plaintiff's 'GHAR SOAPS', when the consumer looks for 'GHAR SOAPS' on a search on the e-commerce platforms, leading the consumer to believe it's the product of the Plaintiff. This Court has examined the search results of 'GHAR SOAPS' on the e-commerce platforms filed with the plaint, and it bears out the submission of the Plaintiff.

With respect to Defendant No. 9, this Court is granting a limited direction to the Defendant No. 14 to take appropriate steps for disabling the feature/algorithm, which leads to the listing of Defendant No. 9's product with the products of the Plaintiff upon a consumer search for the brand 'GHAR SOAPS'.

40. Let the necessary compliance be done by Defendant Nos. 12, 14, and 15, and an affidavit of compliance be filed before this Court by the next date of hearing.

41. Issue Notice.

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42. Learned counsels for Defendant Nos. 12, 14, 15 and 16 accept notice.

43. Let the reply be filed by the said Defendant(s) within a period of two (2) weeks. Rejoinder thereto, if any be filed within two (2) weeks thereafter.

44. No direction for filing reply is being issued to the Defendant No. 16.

45. Compliance with Order XXXIX Rule 3 of CPC be done within a period of two (2) weeks from today.

46. List before the learned Joint Registrar (J) on **25.09.2025.**

47. List before the Court on **25.11.2025**.

MANMEET PRITAM SINGH ARORA, J

AUGUST 19, 2025/msh

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