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

+ CS(COMM) 293/2021

TATA SONS PRIVATE LIMITED & ANR. Plaintiffs

Through Mr. Pravin Anand, Mr. Achuthan
Sreekumar and Mr. Rohil Bansal,
Advocates

versus

M/S ELECTRO INTERNATIONAL & ORS. Defendants

Through Mr. Mrinal Ojha and Mr. Debarshi
Dutta, Advocates for Defendants
Nos.2 and 3.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **28.06.2021**

HEARD THROUGH VIDEO CONFERENCING

I.A. 7544/2021(u/O 11 Rule 1(4) CPC)

The plaintiffs prays for 30 days time to file additional documents.

For the reasons stated in the application, the same is allowed and the plaintiffs are directed to file all additional documents within 30 days.

Application is disposed of.

I.A.7545-46/2021(Exemption)

Allowed, subject to all just exceptions.

CS(OS) 293/2021

1. Issue summons in the suit to the defendants by all permissible modes. The summons shall indicate that the written statement be filed within 30 days from the date of receipt of the summons. Affidavit of admission/denial

of the documents be filed along with written statement. Replication, thereto be filed within 30 days thereafter. Affidavit of admission/denial of documents of the defendants be filed with the replication. With the consent of the parties, defendant No.3 is deleted from the array of parties.

2. List before the Joint Registrar concerned on 03.09.2021.

I.A.7543/2021(stay)

1. Issue notice to the defendant No.1 in the application by all permissible modes. Mr. Mrinal Ojha accepts notice on behalf of the defendant Nos.2 and 3.

2. Mr. Pravin Anand, the learned counsel for the plaintiffs state that the plaintiff No.1, the holding company of the TATA group of companies, is the owner and registered proprietor of the trademark TATA as well as the device mark **TATA**. The Plaintiff No. 2 is a part of the TATA Group and is engaged in the business of e-commerce, dealing in various products through its e-commerce platform www.tatacliq.com. He states that the domain name www.tatacliq.com was registered by the plaintiff No.2 on 23.09.2015. He contends that defendant No.1 is the owner of the domain name www.tatacliqsmart.com which is identical to the website of plaintiff No.2 i.e. www.tatacliq.com. He states that the defendant has only added the word "smart" on the name of the website owned by the plaintiffs, which defendants are not permitted to. He contends that defendant No.1 through its website www.tatacliqsmart.com deals in various products including products of plaintiff No.1 company. The learned counsel for the plaintiffs has taken this court through various documents annexed to the file to show that the defendant No.1 is in fact selling products of the plaintiff No.1 company on its website. He contends that the acts of defendant No.1 amounts to

infringement of the plaintiffs' registered trademark and copyrights. He contends that the defendant No.1 through its website www.tatacliqsmart.com is selling various TATA products at throw away prices and there is a likelihood that by using the word TATA the defendant would be selling the products which are not actual products of TATA but are fake products.

3. This Court tried to open the website www.tatacliqsmart.com and found that the website cannot be opened, however, the screenshots produced by the plaintiffs shows that the website is being used for online sale of several products including products of plaintiff No.1. It is therefore apparent that the defendant No.1 has shut down his website only because the present suit has been filed. This Court is therefore of the opinion that the plaintiffs have made a case of grant of interim injunction.

4. Accordingly, interim injunction in terms of the prayer (i) and prayer (ii) in I.A. No. 7543/2021 is granted against defendant No.1 till the next date of hearing.

5. Let the provisions of Order XXXIX Rule 3 CPC be complied within 10 days from today.

6. List before the Roster Bench on 19.07.2021.

**SUBRAMONIUM PRASAD
(VACATION JUDGE)**

JUNE 28, 2021

Rahul