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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1253/2025**
ASTRAL LTD.Plaintiff

Through: Mr. Sachin Gupta, Ms. Mahima Chanchalani, Mr. Rohit Pradhan, Ms. Prashansa Singh, Mr. Adarsh Agarwal Ms. Diksha and Mr. Ajay Kumar, Advocates.

versus

ASHOK KUMAR 1 & ORS.Defendants

Through: None.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
01.12.2025

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I.A. 29279/2025 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 29278/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015.
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
5. The Application stands disposed of.



I.A. 29280/2025 (Exemption from advance service to the Defendants)

6. This is an Application filed by the Plaintiff under Section 151 of the Code of Civil Procedure, 1908 ('CPC'), seeking exemption from advance service to the Defendants.

7. Mr. Sachin Gupta, learned Counsel for the Plaintiff, submitted that there is a real and imminent likelihood that the Defendants may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints.

8. In view of the fact that the Plaintiff has sought an urgent *ex-parte ad-interim* injunction along with the appointment of the Local Commissioners, the exemption from advance service to the Defendants is granted.

9. The Application stands disposed of.

I.A. 29283/2025 (to mask the identities of the Parties)

10. The Plaintiff apprehends failure of the Local Commissions, if the identity of the Defendants is revealed and has prayed for masking of identities of the Defendants till the filing of the Report of the Local Commissioners in compliance with the Practice Direction No.139/Rules/DHC dated 27.05.2025.

11. However, since the name of the Defendants is unknown to the Plaintiff, the learned Counsel for the Plaintiff has filed amended Memo of Parties *vide* Diary No. 8645898/2025, which is taken on record. As per the amended Memo of Parties, the Defendants are now identified as Ashok Kumar. The Plaintiff may file further amended Memo of Parties, once the real names of the Defendants are known after the Local Commissions are conducted.

12. In view of the above, there is no necessity to mask the identity of the Defendants in the present case. Accordingly, this Application stands disposed of.



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13. Let the Plaint be registered as a Suit.
14. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.
15. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.
16. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of the Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.
17. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
18. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.
19. List before the learned Joint Registrar on 13.01.2026 for completion of service and pleadings.

I.A. 29282/2025 (U/O XXXIX Rule 1 & 2 of CPC)

20. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.
21. The present Suit has been filed by the Plaintiff, *inter alia*, seeking permanent injunction restraining infringement of the registered Trade Mark,




Copyright and passing off.

22. The learned Counsel for the Plaintiff made the following submissions:

22.1 The Plaintiff is engaged in manufacturing, distributing and selling of high-quality pipes, parts, and fittings for use in plumbing, sewage and drainage, agriculture, surface drainage, industrial use, fire protection, cable protection, urban infrastructure, insulation, adhesives and ancillary products such as clams, hangers, pipe flanges and connectors, surface and glass cleaners, sanitizers, stain remover, surface protectant, etc.

22.2 On 25.03.1996, the Plaintiff adopted an arbitrary and distinctive Mark 'ASTRAL' ('**Plaintiff's Mark**') as its Trade Mark / Trade Name / Corporate Name in respect of various types of pipes, parts and fittings.

22.3 After its adoption, the Plaintiff's Mark has been in use since 1996 for variety of pipes, parts and fittings. The Plaintiff has over 56 registrations for ASTRAL formative Marks, in several classes such as 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, and 45. The earliest registration for the Plaintiff's

Mark was a Label Mark ' ' bearing Application No. 1106203 dated 22.05.2002 for goods, namely, 'CPVC pipes included in class 17'.

22.4 The Plaintiff has acquired enormous goodwill and reputation, which is evident from the fact that the Plaintiff has spent over Rs. 192 crores in promotions in the year 2024-2025, to achieve



sales of over Rs. 5296 crores.

- 22.5 In the last week of October 2025, the Plaintiff through its investigator, discovered that Defendant Nos. 1 and 2 are involved in the manufacturing of pipes and taps under the Plaintiff's Mark. Further, Defendant No. 2 is also involved in labelling and etching the Plaintiff's Mark on pipes and taps.
- 22.6 Defendant No. 3 is engaged in the packaging and storing of taps bearing the Plaintiff's Mark. The Plaintiff also apprehends that Defendant Nos. 1 to 3 are related to each other and are jointly carrying out the infringing activities.
- 22.7 The Plaintiff's investigation further revealed that the Defendants' factories are operated during irregular hours, in an attempt to evade detection of their infringing activities, thereby further evidencing their *mala fide* intent.
- 22.8 Defendant No. 4 represents all other accomplices of Defendant Nos. 1 to 3, who are involved in the infringing activities, including manufacturing, labelling, packaging and storing the counterfeit pipes and taps, and passing off their goods as those of the Plaintiff.
- 22.9 The goods, which are subject matter of the present Suit, i.e., taps, pipes and fittings, are used in all buildings and constructions projects, which may be residential, governmental or commercial projects. The goods which the Defendants are dealing in, are not only infringing the Plaintiff's Mark but also of substandard and unsafe quality, which would lead to seepage and cause damage to property.



22.10 The manufacturing and sale of counterfeit taps and pipes by the Defendants, *inter alia*, amounts to infringement of the Plaintiff's Mark. Furthermore, apart from the injury to the Plaintiff, consumers would also be misled into believing that they are purchasing the goods of the Plaintiff, which may cause immense injury to them as well. Therefore, consumers ought to be protected against any chances of confusion/deception that may be caused by the Defendants' counterfeit goods.

22.11 The Plaintiff is suffering irreparable damage and injury on account of misappropriation of its goodwill and reputation that vest in the Plaintiff's Mark, by the Defendants' infringing use of the Plaintiff's Mark on the Defendants' counterfeit goods. Further, a bad quality product will lead to disastrous consequences and dilute the goodwill and reputation of the Plaintiff, even when the Plaintiff has no control over the quality of such substandard products.

22.12 Thus, the Plaintiff has a *prima face* case in its favour and the balance of convenience also lies in its favour. The Plaintiff will suffer irreparable injury in case an *ex-parte ad interim* injunction is not granted in its favour and against the Defendants.

23. The material placed on record establishes that the Plaintiff has a long-standing and continuous use of the Plaintiff's Mark in relation to pipes and taps supported by numerous registrations across multiple classes, and substantial promotional and commercial activity.

24. The Defendants are dealing in counterfeit pipes and taps bearing the Plaintiff's Mark. The said products in question are safety-critical components



used in building, plumbing and related installations, and the usage of any inferior or substandard product can cause serious property damage and physical risk. The circulation of counterfeit pipes and taps would endanger end-users and is also likely to cause immediate and irreparable injury to the Plaintiff's reputation, goodwill and consumer trust.

25. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record, a *prima facie* case has been made out. The alleged acts attributed to the Defendants are likely to cause confusion in the course of trade of the Plaintiff, leading to erosion of consumer trust and irreparable injury to the Plaintiff's goodwill if the Defendants are not restrained from dealing in the counterfeit pipes and taps using the Plaintiff's Mark. Thus, the balance of convenience lies in favour of the Plaintiff.

26. Accordingly, the Defendants, their partners, proprietors, as the case may be, their assignees in business, distributors, dealers, stockists, servants and agents are restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in counterfeit pipes and / or taps and / or any other counterfeit plumbing and sanitary goods under the Plaintiff's Mark 'ASTRAL' or any other Mark that may be deceptively similar to the Plaintiff's Mark 'ASTRAL', amounting to infringement of the Plaintiff's Mark and / or passing off the Defendants' goods as those of the Plaintiff.

27. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

28. List before Court on 17.03.2026.



I.A. 29281/2025 (for Appointment of Local Commissioners)

29. The present Application has been filed by the Plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of the CPC and Section 135 of the Trade Marks Act, 1999 seeking appointment of three Local Commissioners. The Court has considered the merits of the Plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above in I.A. 29282/2025 under Order XXXIX Rule 1 & 2 of the CPC.

30. Accordingly, in order to ensure that the injunction is fully complied with, it is deemed appropriate to appoint Local Commissioners to visit the Defendants' premises at the following address:

| Sr. No. | Particulars | Name of Local Commissioner |
|----------------|---|---|
| 1. | Defendant No. 1 Ashok Kumar 1 Plot No. 2C, Nand Ram Estate Khasra No. 32/3, Village Matiala Behind Shanti Garden New Delhi- 110069 | Ms. Shruti Mishra, Advocate Mobile No. [+91 8604294033] |
| 2. | Defendant No. 2 Ashok Kumar 2 Plot No. 722/5, Khasra No. 142 Kanchwala, Near New Cluster Bus Depot New Delhi-110081 | Ms. Shailja Nanda Mishra, Advocate Mobile No. [+91 9953749205] |
| 3. | Defendant No. 3 Ashok Kumar 3 H, No. 314, Gali No. 4 Shani Bazar Road, Kardampuri, Shahdara Delhi- 110093 | Ms. Supreet Kaur, Advocate Mobile No. [+91 9667312514] |

31. The mandate of the learned Local Commissioners is as under:



- i) The learned Local Commissioners shall visit the premises of the Defendants as per the above table, to inspect and seize any infringing products, fully or semi-manufactured infringing products, of the Defendants bearing the Plaintiff's Mark 'ASTRAL' or packaging which is deceptively similar to the Plaintiff's Mark 'ASTRAL'.
- ii) If knowledge is acquired of any other premises than the aforesaid premises, where the goods bearing the Plaintiff's Mark could be stored or services can be provided from, the learned Local Commissioners are free to record the same and then visit the other premises and conduct a seizure there as well;
- iii) The learned Local Commissioners shall also inspect and seize any product materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising material, dies or blocks, unfinished, packed, unpacked infringing goods or any other documents, wrapper etc., so that it can be ensured that no fresh manufacturing of the infringing products can take place;
- iv) The learned Local Commissioners shall also obtain the details as to since when infringing goods or products are being used by the Defendants under the Plaintiff's Mark and obtain copies of the accounts if the same is found to be sold in market;
- v) The learned Local Commissioners shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records and any other books of record or commercial transactions kept at the premises of the Defendants, and take photocopy and / or record of all such transactions that pertain to



infringing goods, if any. The Defendants shall cooperate and give passwords to the computers and the files containing the accounts, if the same is stored on the computer or a specific software;

vi) After preparation of the inventory, the infringing goods under the Plaintiff's Mark including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, banners, signage, cartons and other material bearing the Plaintiff's Mark and packaging which are similar to the Plaintiff's Mark shall be released to the Defendants on *superdari*. The monetary value of the stock shall also be ascertained;

vii) The learned Local Commissioners are also permitted to break open the locks, with police help, if access to the premises where the infringing goods and products have been stocked / manufactured, is denied to the Commissioners;

viii) Upon being requested, the concerned Station House Officer (SHO) shall render necessary cooperation for execution of the Commissions, as per this order;

ix) The learned Local Commissioners are permitted to take photographs and record videos of the proceedings of the Commissions, if it is deemed appropriate. Two representatives of the Plaintiff, which would include a lawyer, are permitted to accompany the learned Local Commissioners;

x) The learned Local Commissioners, while executing the Commissions, shall ensure that there is no disruption to the business of the Defendants, except for the purposes of the execution of the



Commissions. The Commissions shall be executed in a peaceful manner.

32. Either the learned Counsel for the Plaintiff or the learned Local Commissioners are directed to collect the certified copy of this Order from the Registry (Dispatch Branch) before the execution of the Commissions.

33. The learned Local Commissioners shall carry the certified copy of this Order for execution of the Commissions and a copy of the same shall be served upon the Defendants by the learned Local Commissioners at the time of the execution of the Commissions.

34. The fees of the learned Local Commissioners is fixed at ₹1,00,000/- (Rupees One Lakh only) each, excluding out of pocket expenses, travel, lodging etc. All the aforesaid expenses shall be borne by the Plaintiff and paid in advance to the learned Local Commissioners named hereinabove.

35. The Commissions shall be executed within a period of two weeks and the report of the learned Local Commissioners shall be filed within a period of two weeks thereafter.

36. Compliance of Order XXXIX Rule 3 of CPC shall be done within two weeks after the execution of the Commissions.

37. It is directed that this Order shall be uploaded on the Court's website after the execution of the Commissions are completed, to enable effective execution thereof.

38. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

DECEMBER 1, 2025

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