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

+ CS(COMM) 1055/2025

ASTRAL LTD.

.....Plaintiff

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

versus

PRATAP SINGH & ORS.

.....Defendants

Through:

**CORAM:**

**HON'BLE MR. JUSTICE TEJAS KARIA**

**ORDER**

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**06.10.2025**

**I.A. 24562/2025(Exemption)**

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

**I.A. 24561/2025(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.

CS(COMM) 1055/2025

Page 1 of 9



**I.A. 24563/2025**

6. This is an Application filed on behalf of the Plaintiff under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption to serve through Email and permission to serve through WhatsApp.

7. For the reasons stated in the Application, the same is allowed.

8. The Application stands disposed of.

**CS(COMM) 1055/2025**

9. Let the Plaint be registered as a Suit.

10. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.

11. 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.

12. 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 Defendants be filed by the Plaintiffs, without which the Replication(s) shall not be taken on record.

13. 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.

14. If any of the Parties wish to seek inspection of any documents, the



same shall be sought and given within the prescribed timelines.

15. List before the learned Joint Registrar on 24.11.2025 for completion of service and pleadings.

**I.A. 24564/2025(U/O XXXIX Rule 1 and 2 of CPC)**

16. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

17. The Plaintiff has filed the present Suit for permanent injunction restraining infringement of trade mark, copyright, passing off, unfair competition, damages / rendition of accounts, delivery up, etc. against the Defendants.

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

18.1. 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.

18.2. On 25.03.1996, the Plaintiff adopted an arbitrary and distinctive mark 'ASTRAL' as its Trade Mark / Trade Name / Corporate Name in respect of various types of pipes, parts, and fittings, and has been using the Trade Mark 'ASTRAL' continuously and extensively since then. The Plaintiff's Trade Mark 'ASTRAL' has been in use since 1996 for variety of pipes, parts, and fittings



thereof. The Plaintiff has over 56 registrations for 'ASTRAL' formative Trade 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 Trade Mark 'ASTRAL' was

a Label Mark  under No. 1106203 dated 22.05.2002 for goods, namely, 'CPVC pipes included in class in class 17'. The Plaintiff has acquired goodwill and reputation, which is evident from the fact that the Plaintiff has spent in the year 2024-2025 over ₹ 192 crores in promotions to achieve sales of over ₹ 5296 crores.

- 18.3. Defendant Nos. 1 to 4 are engaged in manufacturing of and dealing in counterfeit pipes and fittings, by affixing the Plaintiff's Trade Mark 'ASTRAL' on locally made pipes and fittings (“**Counterfeit ASTRAL pipes / Counterfeit ASTRAL fittings**”).
- 18.4. Defendant No. 1 is an individual owning at least two factories, namely in Delhi and Panipat, Haryana. Defendant No. 1 is the head of the impugned fraudulent activities that are executed at his Delhi and Panipat factories.
- 18.5. Defendant No. 2 appears to be the brother of Defendant No. 1, and works at the Panipat factory facilitating the impugned fraudulent activities taking place at the Panipat factory.
- 18.6. Defendant No. 3 sells CVC pipes belonging to other brands including 'ASTRAL' by advertising about the same on his



Facebook account.

- 18.7. Defendant No. 4 is the manager of the Delhi factory of Defendant No. 1.
- 18.8. Defendant No. 5 represents all other accomplices of the Defendants who partake in the impugned fraudulent activities, manufacturing and selling the counterfeit goods and passing off its goods and business as those of the Plaintiff.
- 18.9. In July 2021, the Plaintiff discovered that Defendant Nos. 1 and 2 were manufacturing and dealing in Counterfeit ASTRAL pipes and Counterfeit ASTRAL fittings from the Panipat factory. Pursuant to a police complaint, Defendant No. 1's Panipat factory was raided, and large quantities of counterfeit goods of Astral Ltd., Supreme Industries Ltd., Ashirvad Pipes, and Prince Pipes were seized, leading to registration of an FIR bearing No. 0120/2021 against Defendant No. 1 at Police Station Panipat Sadar, Haryana. During the said raid, it came to light that Defendant No. 2 was also involved in the manufacture and sale of Counterfeit ASTRAL pipes.
- 18.10. In January 2025, the Plaintiff came across a Facebook advertisement revealing that Defendant No. 3 was engaged in the sale of counterfeit CVC pipes bearing the Plaintiff's Trade Mark 'ASTRAL'. Acting on this information, the Plaintiff, through one of their dealers, established contact with Defendant No. 3 to purchase Counterfeit ASTRAL pipes. Defendant No. 3 also



instructed the said dealer of the Plaintiff to make payments into four separate accounts, one of which was held by Defendant No. 1. Following further investigation, the Police lodged an FIR also against Defendant No. 3.

- 18.11. In May 2025, the Plaintiff once again found that Defendant No. 1 and Defendant No. 4 are manufacturing and selling Counterfeit ASTRAL pipes from the Delhi factory. A police raid also at the Delhi factory resulted in recovery of Counterfeit ASTRAL pipes and Counterfeit ASTRAL fittings, and an FIR was lodged against Defendant No. 4. During the raid, Defendant No. 4 disclosed that Defendant No. 1 owns the Delhi factory.
- 18.12. The Defendants' by manufacturing and selling Counterfeit ASTRAL pipes and Counterfeit ASTRAL fittings, etc. are committing infringement of trade mark and the copyright. Defendant No. 1 to 4, by engaging in the counterfeiting of goods, are unlawfully affixing the Plaintiff's Trade Mark 'ASTRAL' / copyright onto substandard goods, thereby passing off its goods as those of the Plaintiff.
- 18.13. The goods, which are subject matter of the present Suit, i.e., pipes, parts and fittings are used in building and construction projects, which may be residential, governmental, or commercial projects. Such pipes, parts, and fittings are extensively used in restrooms and bathrooms along with a geyser or even otherwise wherein the consequences arising from the substandard quality of a product



would be fatal. A bad quality product thus 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. The public would be misled into purchasing the counterfeit goods of the Defendant, against which the Plaintiff may be protected.

18.14. 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 interim injunction is not granted in their favour and against the Defendants.

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

20. The material placed on record shows that Defendant Nos. 1 to 4 are engaged in the manufacture and distribution of Counterfeit ASTRAL pipes and Counterfeit ASTRAL fittings. The pleadings disclose raids and seizures at factories in Panipat and Delhi, registration of FIRs arising therefrom indicating counterfeiting, distribution and that Defendant Nos. 1 to 4's products are not genuine products but are being passed off as those of the Plaintiff's products.

21. It is also pertinent to take into account that the products in question are safety-critical components used in building, plumbing and related installations; any inferior or substandard products therefore can cause





24. 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.
25. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.
26. List before this Court on 03.02.2026.

**TEJAS KARIA, J**

**OCTOBER 6, 2025/sms**