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

+ **CS(COMM) 221/2026**

FDC LIMITED

.....Plaintiff

Through: Mr. Prithvi Singh, Mr. Prithvi Gulati
and Mr. Krtin Bhasin, Advocates.

versus

NEERAJ AGARWAL AND ANR

.....Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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11.03.2026

I.A. 6051/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 6049/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, as also Division Bench of this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption is granted to the Plaintiff from Pre-Institution Mediation.
5. Application is allowed and disposed of.



I.A. 6050/2026 (u/O XI Rule 1 (4) of Commercial Courts Act, 2015 r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiff seeking to place on record additional documents.
7. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.
8. Application is allowed and disposed of.

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9. Let plaint be registered as a suit.
10. Upon filing of process fee, issue summons to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 02.04.2026.
11. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiff.
12. It will be open to the Plaintiff to file replications within 30 days from the date of receipt of written statements along with affidavit of admission/denial of documents filed by the Defendants.
13. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.
14. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A. 6048/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

15. This application is filed on behalf of the Plaintiff under Order XXXIX



Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

16. Issue notice to the Defendants through all permissible modes, returnable before Court on 27.04.2026.

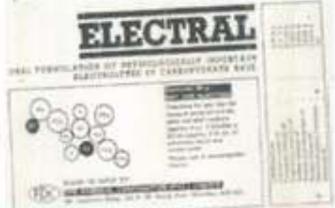
17. Case of the Plaintiff as set out in the plaint is that Plaintiff is a company incorporated on 23.09.1940 under the Indian Companies Act, 1913. Plaintiff started its operations in the year 1936, marketing vitamins and a range of prescription formulations and set up its first manufacturing facility in 1949. In 1963, Plaintiff became the first company to start the manufacture of specialized ophthalmic formulations in India apart from being the first organization to introduce the BFS (Blow-Fill-Seal) technology for ophthalmic in Southeast Asia. Plaintiff's API plant at Roha, Maharashtra was among the first few API facilities in India to get US-FDA approval in 1985. Plaintiff, backed by an extensive distributor network comprising of medical representatives and stockists, ensures that its products reach across the length and breadth of the country and even to small towns and villages. Plaintiff's business grew from year to year and this is evident from annual revenue of Rs. 2,07,011 Lakhs in the financial year 2024-2025. Currently, Plaintiff markets more than 300 products in India and exports many of these to over 50 countries.

18. It is stated that Plaintiff has presence in numerous therapeutic segments such as anti-infectives, gastrointestinal, ophthalmological, vitamins/minerals/dietary supplements, cardiac, anti-diabetes, respiratory, gynaecology, dermatological, analgesics and boasts of various brand names such as ZIFI, ELECTRAL, ENERZAL, VTTCOFOL, PYRIMON, ZOCON, and ZIPOD. Plaintiff has received several awards and recognitions for the ELECTRAL brand, such as Brand of the Year (Bronze Award) in 2015,



Brand of the Year (Silver Award) in 2016 & 2018 and Global Eminence Digital Award in the category of “Use of innovative technology for Dr. Engagement” in 2019. In 1972, Plaintiff pioneered the concept of Oral Rehydration Salts (ORS) under the trademark ELECTRAL, which is used for dehydration in case of loss of water from the body due to diarrhoea, dysentery etc. Plaintiff’s product ELECTRAL is available in salts and solution forms and has been a phenomenal success and currently holds a significant market share.

19. It is stated that Plaintiff is the registered proprietor of the ELECTRAL, word and logo, along with various iterations of the trade dress, containing the white and green colour combination. The registrations are valid and subsisting. Details of Plaintiff’s trademarks’ registrations are as follows:-

S. No.	Trademark/Device	Regn. No.	Class	Regn. Date
1.	ELECTRAL	251636	5	12/09/1968
2.		356663	5	19/12/1979
3.		556305	5	12/08/1991
4.		737313	5	12/03/1997
5.		992944	5	26/02/2001



6.		1455967	5	01/06/2006
7.	ELECTRAL	4136801	5	29/03/2019
8.		4254045	5	02/08/2019
9.		4254047	5	02/08/2019

20. It is stated that the trade dress/packaging for the products sold under the ELECTRAL trademark are well-known among customers as well as among people in the trade. The green-and-white packaging/trade dress serves as a source identifier of Plaintiff's products and is as follows:-



21. It is stated that the classic green-and-white packaging constitutes an original artistic work within the meaning of Section 2(c) of the Copyright Act, 1957 and Plaintiff has secured copyright registration in the packaging as follows:-

Regn. No.	Artistic Work	Registration Certificate Date
A-55752/99		15 March 1999



22. It is stated that Plaintiff has carried out extensive promotional campaigns for its ELECTRAL products through various media across India which has resulted in voluminous sales and this is reflected from the audited sales and promotional figures, which for the last 5 years are as under:-

Financial Year	Sales (in INR)	Promotional expenditure (in INR)
2019-2020	1,94,08,49,241	11,67,24,328
2020-2021	1,78,09,48,531	7,07,92,328
2021-2022	2,58,49,19,640	13,68,51,465
2022-2023	3,33,20,01,498	20,71,07,352
2023-2024	3,91,02,03,651	25,85,28,757

23. It is stated that Plaintiff has been selling ELECTRAL in India for more than 5 decades and has used various iterations of the classic product packaging. Plaintiff's extensive distributor network has ensured that Plaintiff's ELECTRAL products are widely available in all corners of India. The products are also available at leading e-pharmacies, e-commerce websites and e-grocery stores such as Amazon, Flipkart, PharmEasy, 1MG, Apollo Pharmacy, NetMeds, BlinkIt, Wellness forever, etc. Plaintiff also owns and maintains a dedicated website <https://www.electral.co.in/> which contains information about Plaintiff's ELECTRAL products. Plaintiff's ELECTRAL's trade dress/packaging has achieved an iconic status in consumer consciousness. Plaintiff has been vigilant about its rights in the classic and derivative product packaging and has filed various lawsuits and issued numerous cease-and-desist notices to third parties who have infringed upon and attempted to pass off their products as those of the Plaintiff. Plaintiff's trademark ELECTRAL was also declared as a well-known trademark by the Trade Marks Registry vide publication in Trade Marks



Journal No. 2120 dated 04.09.2023.

24. It is stated that Defendant No. 1 is the sole proprietor of Cadiz Lifescience and is engaged in the business of marketing pharmaceutical products under the mark ELECTROCAD, for which he has adopted trade



dress/packaging , which is deceptively similar to Plaintiff's trade dress/packaging for ELECTRAL. Defendant No. 2 is the third-party contract manufacturer, engaged solely in the manufacturing of pharmaceutical products. In October, 2025, Plaintiff came across Defendants' product ELECTROCAD in packaging which imitates the ELECTRAL product packaging of the Plaintiff and Plaintiff issued a cease-and-desist notice on 29.10.2025, however, Defendant No. 1 failed to reply at the initial stage and/or cease and desist to sell his product under the impugned trade dress/packaging. In reply dated 26.02.2026, Defendant No.1 denied the allegations and claimed dissimilarity between the marks but did not address the issue of similarity in the rival trade dress/packaging.

25. Learned counsel for the Plaintiff submits that Defendants have dishonestly adopted the product packaging for the product ELECTROCAD which features a green-and-white colour combination and is deceptively similar to the trade dress/packaging of Plaintiff's ELECTRAL products and also includes a similar font style and bold underlining. Defendants have made every effort to come as close as possible to Plaintiff's trade dress/packaging by retaining the overall look and feel and colour scheme of the product of the Plaintiff.

26. It is urged that Defendants have replicated the packaging and it is clear that the impugned trade dress/packaging could not have been

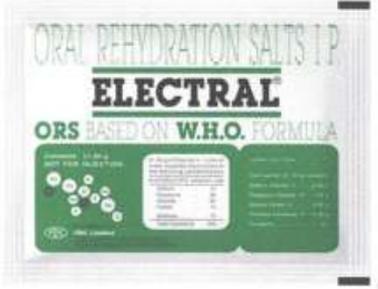
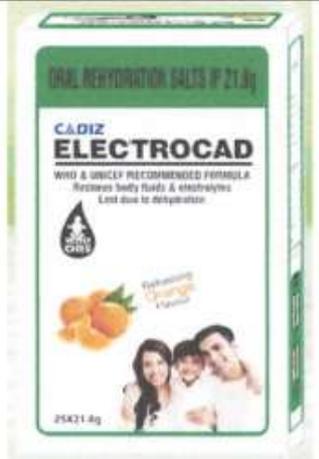


developed without keeping ELECTRAL trade dress/packaging in mind. This reflects the mala fide adoption by the Defendants and the resemblance is neither accidental nor incidental. Rival products are sold through identical trade channels including pharmacists and medical distributors and are targeted at same class of consumers, thereby increasing the likelihood of confusion amongst the consumers and the members of the public that the product of the Defendants originate from the Plaintiff. Moreover, the products in question are sold over-the-counter and consumed by people from all walks of life which includes illiterate people, incapable of reading brand names and rely on visual memory and imperfect recollection.

27. It is further argued that by use of a deceptively similar trademark ELECTROCAD, Defendants have infringed the registered mark ELECTRAL since the usage of identical products and confusion is inevitable. By imitating the packaging of Plaintiff's ELECTRAL, Defendants have infringed the copyright vested in the Plaintiff. Plaintiff is a dominant player in the ORS market for over 50 years and can boast of sale of products worth over Rs.366 crores in the financial year 2023-2024 and has thus acquired a formidable reputation and goodwill in the market. The unauthorized use of a deceptively similar trade dress/packaging by the Defendants is causing immense damage to the goodwill and reputation of Plaintiff's brand equity and also diluting its distinctive trade dress/packaging. There is no doubt that the packaging has been copied to misrepresent to the public that Defendants' products belong to the Plaintiff or have some association with the Plaintiff. Clearly, Defendants are attempting to pass off their goods as those of the Plaintiff and therefore, Plaintiff is entitled to *ex parte* ad interim injunction against the Defendants.



28. Plaintiff is the registered proprietor of the trademark ELECTRAL and has a copyright in its unique trade dress/packaging. *Prima facie* Defendants have attempted to imitate and copy the trade dress/packaging of the Plaintiff which is unique and distinctive with an iconic green and white colour combination with ELECTRAL in a distinct font style and underlining. Comparative of the rival trade dress/packaging is as follows:-

Plaintiff's Product	Defendants' Product
	
	
	



29. Having heard counsel for the Plaintiff and upon perusal of the documents, I am of the view, Plaintiff has made out a *prima facie* for grant of *ex parte* ad interim injunction against the Defendants. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

30. Plaintiff is a popular and well known ORS brand and has earned formidable goodwill and reputation by selling the ELECTRAL products for over 50 years. The sales figures of Rs.366 crores in financial year 2023-2024 are reflective of the enviable reputation earned by the Plaintiff in the market. Defendants have copied the impugned packaging and have *prima facie* attempted to come as close as possible to Plaintiff's packaging with a view to misrepresent to the public and members of the trade that their products emanate from the Plaintiff or have some association with the Plaintiff, so as to ride over the goodwill of the Plaintiff, which it has built over the years. It is significant that the product in question is an over-the-counter product and is bought by consumers without any prescription and/or regulation and also by consumers from all walks of life, some of whom may not be educated enough to remember the brand name on the packaging. Trade channels and consumers being common for the product in question, there is every likelihood of confusion amongst the members of the public.

31. Accordingly, till the next date of hearing, Defendants, their proprietors, directors, servants, agents, distributors, and all others acting in active concert with them are restrained from:-

- a) manufacturing, marketing, offering for sale, selling, advertising, directly or indirectly dealing in any products bearing the impugned



trade dress/packaging for their product ELECTROCAD and/or any other trade dress/packaging confusingly or deceptively similar to Plaintiff's ELECTRAL trade dress/packaging, thus amounting to passing off.

b) manufacturing, marketing, offering for sale, selling, advertising, directly or indirectly dealing in any products bearing the impugned



trade dress/packaging and/or any trade dress/packaging confusingly or deceptively similar Plaintiff's ELECTRAL trade dress/packaging, thus amounting to infringement of Plaintiff's copyright in the artistic work comprised in its products' packaging.

32. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

JYOTI SINGH, J

MARCH 11, 2026/YA