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

+ CS(COMM) 400/2026

LUPIN LIMITED

.....Plaintiff

Through: Mr. Rajshekhar Rao, Senior Advocate
with Mr. Rahul Chaudhry, Ms. Ekta Sarin, Mr.
Akshay Bhardwaj and Mr. Hitesh Malik,
Advocates.

versus

CHHIAN SOKCHEA & ORS.

.....Defendants

Through: Ms. Radhika Bishwajit Dubey, CGSC
with Ms. Gurleen Kaur Waraich, Mr. Kritarth
Upadhyay and Mr. Amulya Dev Mishra,
Advocates for D-3.

Ms. Veena Ralli, Ms. Stuti Gupta and Mr.
Chetanya Baweja, Advocates for D-5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **17.04.2026**

I.As.10461-63/2026 (Exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

I.A. 10459/2026 (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.10460/2026 (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 within 30 days.

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.

I.A. 10464/2026 (u/S 151 CPC)

9. This application is filed on behalf of Plaintiff for placing on record compact disc/pen drive containing website of Defendant No. 1 i.e., www.ebai.org.

10. For the reasons stated in the application, the same is allowed permitting the Plaintiff to file complete website www.ebai.org in electronic form by way of compact disc/pen drive.

11. Application stands disposed of.

I.A. 10465/2026 (u/S 151 CPC)

12. This application is filed on behalf of Plaintiff seeking exemption from issuing advance notice on Defendant No. 3 in terms of Section 80 CPC.

13. Since Ms. Radhika Bishwajit Dubey, learned CGSC has entered appearance on behalf of Defendant No. 3, this application has become



infructuous.

14. Application stands disposed of as infructuous.

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15. Let plaint be registered as a suit.

16. Issue summons.

17. Counsels, as above, accept summons on behalf of the respective Defendants.

18. Written statements shall be filed by Defendants No. 3 and 5 within 30 days from today along with affidavits of admission/denial of the documents filed by the Plaintiff.

19. It will be open to the Plaintiff to file replications within 30 days from receipt of the written statements along with affidavits of admission/denial of documents filed by Defendants No. 3 and 5.

20. Upon filing of process fee, issue summons to Defendants No. 1, 2 and 4 through all permissible modes, returnable before the learned Joint Registrar on 08.05.2026.

21. Summons shall state that the written statements shall be filed by Defendants No. 1, 2 and 4 within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiff.

22. It will be open to the Plaintiff to file replications within 30 days from the date of receipt of written statements along with affidavits of admission/denial of documents filed by Defendants No. 1, 2 and 4.

23. 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.



24. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A. 10458/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

25. 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.

26. Issue notice.

27. Counsels, as above, accept notice on behalf of the respective Defendants.

28. Issue notice to Defendants No. 1, 2 and 4 through all permissible modes, returnable before Court on 13.05.2026.

29. Defendants No. 3 and 5 will file their written submissions on the legal issues that arise in the present suit within three weeks from today.

30. Case of the Plaintiff as set out in the plaint is that Plaintiff is one of the largest generic pharmaceutical companies by revenue globally and ranks amongst the top 10 pharmaceutical companies in India and top 5 generic drug makers. Plaintiff was founded by Dr. Desh Bandhu Gupta in 1968 and in 1972, it was incorporated as a private limited company under the name Lupin Laboratories Private Limited. In 1989, Plaintiff established Lupin Laboratories Chemical (Thailand) Limited through a joint venture, whereafter in 2001, Lupin Laboratories Limited and Lupin Chemical Limited amalgamated into Lupin Limited i.e., the Plaintiff herein, which is a public company.


31. It is stated that Plaintiff commenced its operations as a manufacturer of vitamins and soon thereafter started producing drugs to combat tuberculosis. Plaintiff's first major breakthrough came through an order



placed by the Government of India, which entrusted the Plaintiff with supplying iron and folic acid tablets for its mother and child healthcare program. Along with the commercial enterprise, DBG also founded the Lupin Human Welfare & Research Foundation, which promotes holistic rural development in India. Plaintiff's businesses encompass the entire pharmaceutical value chain, ranging from branded and generic formulations, APIs, advanced drug delivery systems to biotechnology and over the years, Plaintiff has focused on expanding its global operations through several acquisitions to position itself as a strong brand as well as a generics company globally. With a market presence in more than 100 countries, Plaintiff's international operations account for over two-thirds of its turnover and Plaintiff's footprint covers advanced markets including but not limited to Australia, Brazil, Europe, Germany, Japan, the Netherlands, the Philippines, South Africa, Switzerland and USA through its subsidiaries and affiliates.

32. It is stated that Plaintiff has a network of 15 state-of-the-art manufacturing sites and 7 research centres globally including in India at Aurangabad, Ankleshwar, Dabhasa, Goa, Pithampur, Jammu, Mandideep, Nagpur, Pune, Sikkim, Tarapur, Vizag as also in USA (New Jersey), Mexico and Brazil and employs over 24,000 individuals worldwide and manufactures and distributes more than 1,200 products. Plaintiff is the registered proprietor of LUPIN in respect of several products and in India the earliest registration dates back to 12.12.1975. The details of registrations, which are valid and subsisting are as follows:-



Sl. No.	Trade Mark	Class	Registration Number	Date of Registration	Renewed Upto
1.	LUPIN	5	310790	December 12, 1975	December 12, 2030
Goods: Medicinal and pharmaceutical preparations for the treatment of human beings.					
2.	LUPIN	5	326614	July 01, 1977	July 01, 2035
Goods: Medicinal and pharmaceutical preparations, veterinary and sanitary substances, children's and invalids' foods; plasters, material for bandaging, material for stopping teeth, dental wax, disinfectants, preparations for killing weeds and destroying vermin, sanitary towels.					
3.		5	594878	April 19, 1993	April 19, 2027
Goods: Pharmaceutical veterinary and sanitary substances infants and invalids foods, plaster, material for bandaging material for stopping teeth dental wax, disinfectants, preparations for killing weeds and destroying vermin.					
4.	BEIPOS	5	3278959	June 08, 2016	June 08, 2026
Goods: Pharmaceuticals, medical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides					
5.	HYDROEYES	5	2228019	November 02, 2011	November 02, 2031
Goods: Pharmaceuticals, veterinary and sanitary preparations, dietetic substances adapted for medical use, materials for dressings, materials for stopping teeth, dental wax, disinfectants, preparations for destroying vermin; fungicides, herbicides					
6.	LUPITROS	5	1966674	May 17, 2010	May 17, 2030
Goods: pharmaceuticals, veterinary and sanitary preparations, dietetic substances adapted for medical use, materials for dressings, materials for stopping teeth, dental wax, disinfectants, preparations for destroying vermin; fungicides, herbicides;					
7.	MOXIBLU-D	5	1994170	July 15, 2010	July 15, 2030
Goods: Pharmaceuticals, veterinary and sanitary preparation, dietetic, substances adapted for medical use, materials for dressings, materials for shopping teeth ,dental wax, disinfectants, preparation for destroying vermin, fungicides, herbicides.					



8.	BRITBLU DPS	5	2340880	May 31, 2012	May 31, 2032
Goods: Pharmaceuticals, veterinary and sanitary preparations; dietetic substances adapted for medical use, materials for dressings, materials for stopping teeth, dental wax, disinfectants, preparations for destroying" vermin; fungicides, herbicides					
9.	AUTOGATI	5	3489282	February 22, 2017	February 22, 2027
Goods: Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides					
10.	CIPROVA NEO	5	6423787	May 8, 2024	May 8, 2034
Goods: Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for human beings and animals; plasters, materials for dressings; material for stopping teeth, dental wax.					
11.	LUPIN'S SENSIEYES PLUS	5	3443396	December 28, 2016	December 28, 2026
Goods: Pharmaceuticals, Medical and Veterinary Preparations; Sanitary Preparations for Medical Purposes; Dietetic Food and Substances Adapted for Medical or Veterinary Use, Food for Babies; Dietary Supplements for Humans and Animals; Plasters, Materials for Dressings; Material for Stopping Teeth,					

Dental Wax; Disinfectants; Preparations for Destroying Vermin; Fungicides, Herbicides

33. It is stated that apart from India, Plaintiff is also the registered proprietor of trademark LUPIN and its formative marks in foreign jurisdictions such as Australia, Brazil, Canada etc. Plaintiff has garnered immense popularity, goodwill and reputation owing to extensive use of the trademark LUPIN and its formative marks, which is evident from the revenues generated over the years as follows:-



Sl. No	Year	Amount (in Millions)
1.	2015	125,997
2.	2016	137,016
3.	2017	153,848
4.	2018	135,648
5.	2019	143,181
6.	2020	151,428
7.	2021	149,270
8.	2022	161,928
9.	2023	162,700
10.	2024	196,563
11.	2025	221,921

34. It is stated that owing to the exceptional quality of its products and excellent services provided by the Plaintiff, it has been the recipient of multiple awards and accolades some of which are International Excellence Award by the Institute of Economic Studies in 2009; Outstanding export performance award by Pharmaceuticals Export Promotion Council of India in 2009; Top Indian pharma company in the pharmaceuticals sector at Dun & Bradstreet Rolta Corporate Awards in 2010; Outstanding company of the year by CNBC-TV18 in 2016; Best Pathology Lab (National Category) at Times ET Healthcare Awards in 2022; and Outstanding Award in the Water



Management Category at the 19th Exceed Environment Awards 2025, amongst others.

35. It is stated that Plaintiff also owns and operates several domain names in which the word LUPIN is a prominent feature, including among others www.lupin.com created on 11.06.1996, www.lupin.com/US created on 11.06.1996 and www.lupinhealthcare.co.uk, created on 07.11.2018, which are accessible globally, including in India. Plaintiff's trademark LUPIN enjoys high visibility and presence through advertisements, media coverage and social media platforms such as Facebook, X, YouTube, Instagram and LinkedIn. Plaintiff has invested and continues to invest substantial amounts in promoting and publicizing its LUPIN brand on these platforms. The number of followers/subscribers on each of these platforms is as follows:-

Social Media Platform/s	Followers
LinkedIn	864k
Facebook	27k
Instagram	13.6k
YouTube	3.19k

36. It is stated that Plaintiff has not only expanded its core commercial business but has also achieved milestones in corporate social responsibility areas, where the Lupin Human Welfare and Research Foundation was created to build rural communication and promote sustainable livelihoods. Through this, Plaintiff has closely worked with underserved and marginalized communities to create lasting social change and over the past three decades, Plaintiff has impacted 2.02 million families across 5,400+ villages in 8 states of India. Plaintiff has conducted as many as 1,100+



health camps, 65,000 free medical consultations and has created 5,246,945 cubic meters of water recharge potential. 24,500+ acres of land has been transformed through sustainable vegetative cultivation.

37. It is stated that Plaintiff's products under its ophthalmology segment comprise a wide range of formulations catering to various eye care needs. In 2013, as a part of its CSR initiative, Plaintiff's ophthalmology division 'Lupin Blue Eyes' in association with Defendant No. 5 launched a unique co-campaign called 'Punarjyoti', literally meaning 'Rebirth of Eyes', which was aimed at promoting the noble message of pledging donation of eyes after death in a simple, yet effective manner. Plaintiff's eye drop pack contains an insert encouraging eye donation and the process of pledging along with helpline numbers in Hindi and English language. Till 2021, Defendant No. 5 collected eye-donation pledges through manual forms which were placed in the pack of Plaintiff's ophthalmic products and post 2021, Defendant No. 5 has developed a website to collect pledge details digitally. To support this initiative, Lupin generated a QR code directing to Defendant No. 5's website viz., www.ebai.org and printed it on the pack of Plaintiff's ophthalmic products. Additionally, Plaintiff's eye drop pack for its ophthalmology products such as those sold under the brand Lupi-HA, Sensieyes eye drops, MOXILUP-D, Ciprova NEO, Autogati 2.5 ml, B2 Doc 5 ml, Beipos 5 ml, Brinzodoc 5 ml, Britiblu eye drops 5 ml, Harty D Cap (10x1x10), Hydroeyes - HS 3 ml, Hydroeyes 3 ml, Lacrimos 10 ml, Lacrimos G 10 ml, Lacrimos gel 10 ml, Lacrimos GX 10 ml, Lupin's Sensieyes Plus 10 ml, Lupitros TZ 3 ml, Lupitros Z 3 ml, Moxiblu - D 10 ml, Moxiblu 5 ml, Moxiblu DX 5 ml, Moxiblu LX 5 ml, MXG 2.5 ml, Oloblu 0.1 % 5 ml etc., contained a QR code which when scanned, led the consumer to the website www.ebai.org



which provided awareness about eye donation. A representative image from one of the products of the Plaintiff bearing the QR code is reproduced below:-



38. It is stated that on 28.02.2026, Plaintiff received an email from one of its customers addressed to Plaintiff's customer care email address through which Plaintiff was informed that the QR code printed on the packaging of a product sold under brand MOXILUP-D eye drops, which was intended to direct users to information relating to eye donation through the website www.ebai.org, was not functioning as intended and was instead redirecting users to a website hosting pornographic content. On verification, this was



found to be correct and Defendant No. 5 was informed accordingly. Defendant No. 5 further intimated the Plaintiff that the Director of Defendant No. 5 who was managing the website related operations had passed away last year and the domain was acquired by an unidentified third party.

39. It is stated that Plaintiff thereafter conducted a search on WHOIS records for the domain www.ebai.org and found that the said domain is registered with Defendant No. 2 having creation date of 17.10.1998 and further review revealed that domain is presently registered in the name of Defendant No. 1. Plaintiff has no knowledge of the migration as the QR code forming part of its product packaging was, pursuant to the arrangement in 2021 linked to website www.ebai.org. Accordingly, Plaintiff blocked all available stock of the concerned eye drop products and/or its manufacture so as to prevent consumers from being exposed to obscene content. Plaintiff also filed complaints with various authorities as detailed in paragraph 28 of the plaint, however, no effective steps/action have been taken by the concerned Defendants. On 06.04.2026, Plaintiff received another complaint in relation to a product sold under the brand Ciprova-NEO eye drops, where the consumer on scanning the QR code on the product packaging was redirected to the website www.ebai.org, which was displaying pornographic content. In light of this, learned Senior Counsel for the Plaintiff seeks an *ex parte* injunction order as the impugned action is irreparably harming the reputation and image of the Plaintiff.

40. Having heard learned counsel for the Plaintiff and upon perusal of the documents, I am of the view that 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.

41. Accordingly, till the next date of hearing, the following directions are passed:-

- a) Defendant No. 1, its partners, officers, employees, agents, distributors, suppliers, affiliates, subsidiaries, franchisees, representatives, group companies assigns or any other person acting on their behalf from are restrained from using the domain name www.ebai.org;
- b) Defendant No. 2 is directed to disclose to the Plaintiff complete details of registrant of the domain www.ebai.org, including name, address, contact information, email addresses, payment details, IP logs within two weeks from the date of receipt of this order; and
- c) Defendants No. 2, 3 and 4 are directed to suspend/disable and/or delete the domain www.ebai.org within 36 hours from the date of receipt of copy of this order.

42. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC in respect of Defendants No. 1, 2 and 4 within a period of two weeks from today.

JYOTI SINGH, J

APRIL 17, 2026/VP