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IN THE HIGH COURT AT CALCUTTA  
Commercial Division  
ORIGINAL SIDE

IP-COM/6/2026  
IA NO: GA-COM/1/2026.

DABUR INDIA LIMITED  
VS  
MR. AVANISH AGARWAL AND ORS.

BEFORE:  
The Hon'ble JUSTICE SUGATO MAJUMDAR  
Date : 19<sup>th</sup> May, 2026.

Appearance:  
*Mr. S.N. Mookherjee, Sr. Adv.*  
*Mr. Debnath Ghosh, Sr. Adv.*  
*Mr. Uttam Sharma, Adv.*  
*Mr. N. Chowdhury, Adv.*  
*...for plaintiff/petitioner.*

**In RE: IP-COM/1/2026**

The Court:- Urgent leave was prayed for filing the instant suit and moving the instant application. Leave had been granted.

Plaint is presented and admitted subject to scrutiny by the Department upon dispensing with the formalities under Section 12A of the Commercial Courts Act, 2015 and upon granting leave under Clause 12 of the Letters Patent, 1865 and Order XI Rule 1 (4) of the Code of Civil Procedure, 1908 and under Section 151 of the Code of Civil Procedure, 1908 also granted.

Leave is granted under Clause 12 of the Letters Patent under Section 12A of the Commercial Courts Act, 2015 and under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 and also under Section 151 of the Code of Civil Procedure, 1908.

**In RE: GA-COM/1/2026**

The Court:- GA-COM 1 of 2026 is filed, praying for prohibitory order against the Defendants restraining them from issuing telecasting/posting/uploading/sharing or otherwise of videos in a manner disparaging to the goodwill and reputation of “REAL Fruit Power Brand” of the Petitioner along with other prayers.

The grievance of the Petitioner is the Defendant No.1 through Defendant No.2 has been propagating, misleading, malicious, disparaging and defamatory videos causing harm to the reputation of the famous brand of the Petitioner. These videos bear tag like “That Litchi Juice Has More Sugar Than Coke” or “I’m not Deleting This. Every Word Came from Their Bottle”. The Respondent No.1 made a deliberate comparison of “REAL Fruit Power Litchi” Ready-to-serve Fruit Beverage, with reconstituted juices, propagating thereby, misinformation among the consumers, influencing their opinion, prejudicially to the brand value of the Petitioner.

The Petitioner warned the Defendant in terms of the letter dated 6<sup>th</sup> May, 2026. Alleging social influence the Respondent No.1 was asked to stop derogatory statement on the brand of the Petitioner. In reply, the Respondent No.1 uploaded further videos in this regard print out of which are annexed to the application. In nutshell, the Respondent No.1 did not resist himself from the alleged propagation and social influence. In this context, the instant application has been filed, praying for prohibitory order.

The Respondents are unrepresented.

Right of the Petitioner to agitate grievance before adjudicatory body cannot be denied. But at the same time, the question remains whether consumer interests and

necessity of dissemination of information of such interest should counter balance the commercial interest of the Petitioner. *Prima facie*, part of videos showed that the Respondent No.1 based propagations on the words printed on the package of the Petitioner's products. Counter balancing consumer interests cannot be ignored, at this stage, before passing the injunction. Therefore, hearing on affidavit is needed. Accordingly, notice may be issued to the Respondents and copy of the application may be served.

The matter may be placed before the regular Bench on re-opening.

(SUGATO MAJUMDAR, J.)