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

+ **CS(COMM) 579/2026**

ALFA THERM LIMITED

.....Plaintiff

Through: Mr. Kunal Khanna, Mr. Kaulik Mitra,
Mr. Samanyu Bhatnagar, Mr. Aditya
Vats Sharma, Mr. Anuj Dhar and Mr.
Rishabh Gupta, Advocates.

versus

**M/S SCIENTICO THROUGH ITS PROPRIETOR MR VINEET
GUPTA**

.....Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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26.05.2026

I.A. 14925/2026(Additional Documents)

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to commercial suits under the Commercial Courts Act, 2015 (“CC Act”) seeking leave to place on record additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018 within thirty (30) days.
3. Accordingly, the application stands disposed of.

I.A. 14924/2026 (Pre-Institution Mediation)

4. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.
5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*:



(2024) 5 SCC 815, exemption from the requirement of pre-institution Mediation is granted.

6. The application stands disposed of.

I.A. 14923/2026 (Order XXXIX Rules 1 & 2, CPC)

7. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendant.

8. Plaintiff states to have been incorporated on 05.01.1994 and is engaged in the business of designing, manufacturing and supplying advanced environmental and waste management systems, including incinerators, shredders, composting systems, torrefaction systems and allied technologies. The plaintiff also provides the related installation, commissioning and project executing services across industrial, municipal, healthcare and commercial sectors in India and abroad. Plaintiff claims to have acquired substantial goodwill and reputation through extensive operations, exports, continuous innovation, significant revenue growth and sustained promotional activities. In para 16 of the plaint the plaintiff has detailed its sales turnover and promotional expenditure.


9. The plaintiff has coined and adopted the mark “ALFA-THERM/



” and its logo which has been in continuous use since the year 1994. The trade mark registrations obtained by the plaintiff are enumerated in para 14 of the plaint and are extracted hereunder:-

S.No.	Application No.	Mark	Class	Appl. Date	User Claim	Status
1.	113408	ALFA-THERM (DE.)	07	17 th September 2002	01 st April 1994	Registered

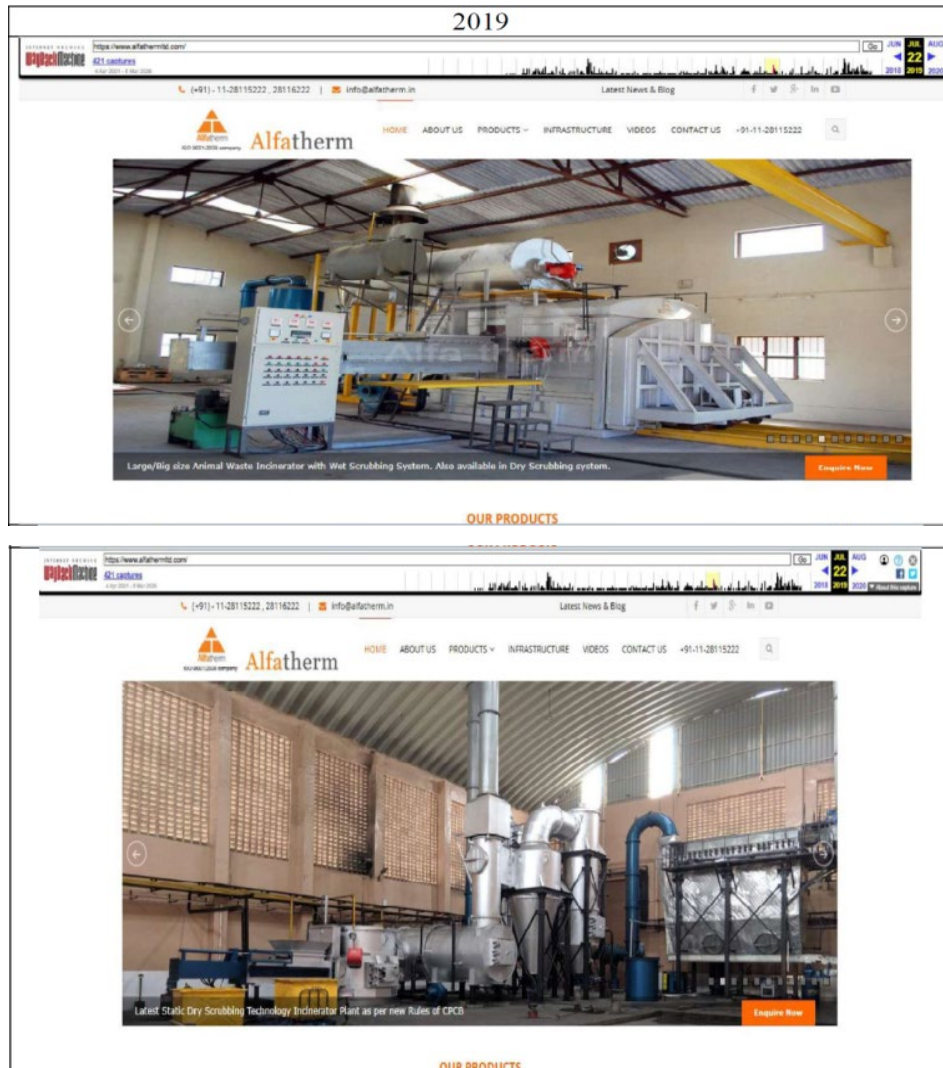


2.	1134009		11	17 th September 2002	30 th April 1994	Registered
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10. Plaintiff also has delineated various certifications including ISO certification received by it indicating its excellence in high quality goods and services provided by it under the said marks. Plaintiff claims that the aforesaid aspects collectively have led to the trademarks of the plaintiff having achieved distinctiveness and commercial value associated with the plaintiff's business.

11. Plaintiff claims that during the course of its business it has commissioned and used original photographs taken by an employee in the course of his employment of the machinery installed and commissioned at premises of various clients, which include projects for Nashik Municipal Corporation, Maharashtra, En-Cler Biomedical Waste Private Limited, Gujarat and SESG, Ryad, Kingdom of Saudi Arabia. Plaintiff asserts that these photographs are used by the plaintiff on its official websites www.alfathermltd.com alongwith its other promotional and marketing materials. Plaintiff asserts that as a result it is the first and absolute owner of copyrights incorporated in such original artistic works in terms of Section 17(c) of the Copyright Act, 1957.

12. Plaintiff claims that it has been using such copyrighted material to promote its goods and services on digital platforms like its own website atleast since the month of July, 2019. In order to support the said contention the plaintiff has placed on record screenshots of its websites indicating the month and year of such publication, some of which are reproduced hereunder:



13. Plaintiff alleges that sometime in the month of March, 2026 for the first time it came across the defendant's website operating under the domain name www.scienticoincinerators.com, which appears to have been registered in the year 2023 as revealed by the WHOIS records. Plaintiff claims that from the said website it was discovered that defendant is engaged in the business of manufacturing and supplying waste management and incineration systems and also provides installation, commissioning and execution of the waste management projects. These goods and services are stated to be identical to those provided by the plaintiff.

14. Plaintiff claims that the defendant has unauthorizedly and illegally reproduced and displayed several proprietary photographs belonging to the



plaintiff displaying the plant and machinery setup, installed and commissioned by the plaintiff. Plaintiff claims that the aforesaid acts are a clear case of infringement of the copyright of the plaintiff by the defendant. It asserts that no permission or authorisation of any nature whatsoever was ever granted or conveyed by the plaintiff to the defendant.

15. In order to avoid legal proceedings, the plaintiff communicated an e-mail to the defendant on 27.03.2026 requesting the defendant to cease further infringement of its copyright. On 27.03.2026, the plaintiff's representative contacted the defendant telephonically reiterating its request, however, it is stated that the defendant merely claims to first verify whether the photographs belong to the plaintiff. As the defendant did not take any action even thereafter, the plaintiff issued a cease and desist notice to the defendant on 30.03.2026. It is claimed that despite receipt of the said notice the defendant continued to infringe the copyrighted photographs of the plaintiff on its website.

16. It is contended that in April, 2026, the defendant was displaying the same copyrighted photographs on IndiaMart page for developing its own business. It is stated that, while the defendant affixed its own watermark on photographs pertaining to its own goods, no such watermark appears on the copyrighted photographs of the plaintiff which still bear the plaintiff's logo. Thus, according to the plaintiff, the defendant has deliberately and dishonestly copied the original artistic work of the plaintiff thereby infringing its copyrights.

17. Predicated on the above, the plaintiff seeks *ex-parte ad interim* injunction.

18. This Court has heard Mr. Kunal Khanna, learned counsel appearing for the plaintiff and judicially examined the record.

19. In order to establish that the photographs in question are genuinely



those commissioned by the plaintiff, it has placed on record documentary evidence in the form of screenshots of its own website which clearly show that the very same photographs involved in the present suit were already published by it as far back as on 22.07.2019. The said screenshots also clearly display the trademark and the logo of the plaintiff prominently. Plaintiff has asserted that as a matter of course, an employee of the plaintiff is commissioned to take such photographs of the installation and commissioning of the goods manufactured by it at the premises of its client. Having regard to the screenshots pertaining to the year 2019, there is no reason to disbelieve the said assertions.

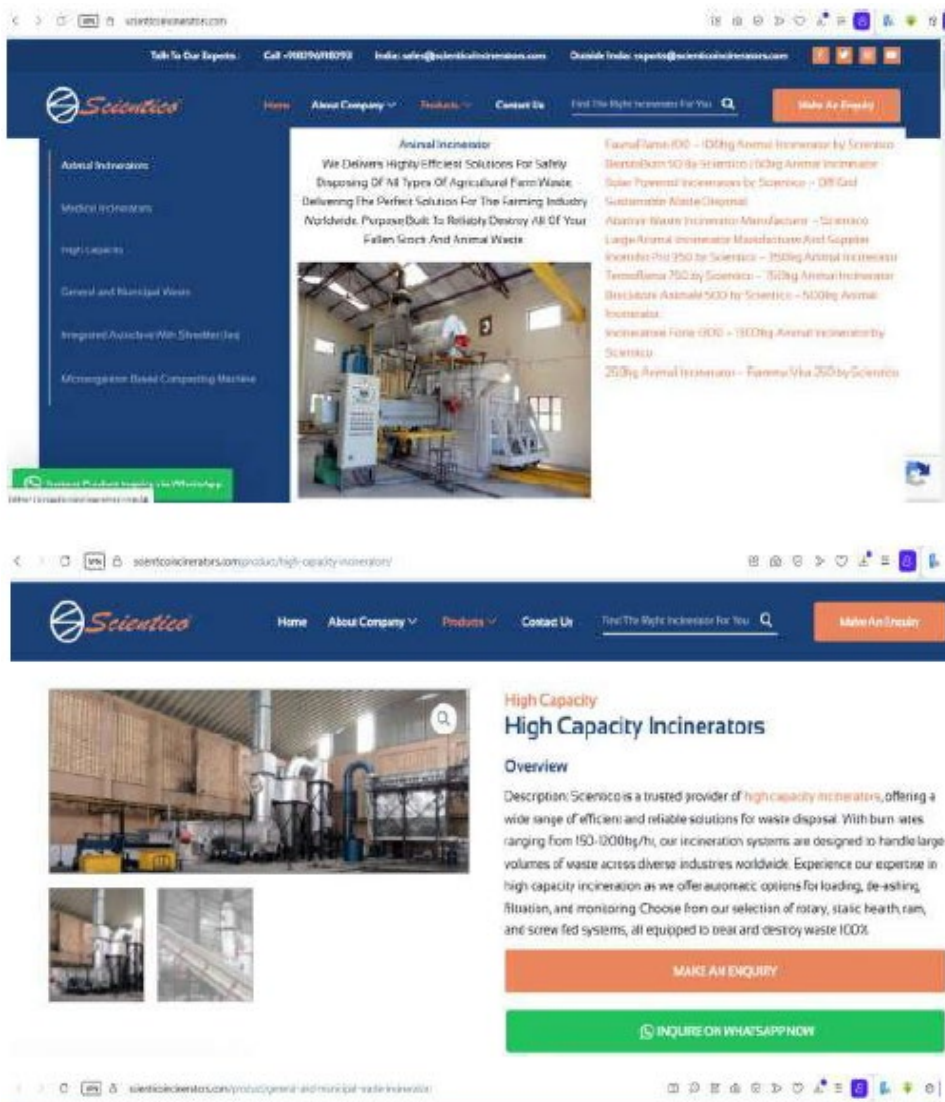
20. Plaintiff has also given in detail certain other screenshots/photographs of the similar machinery installed in premises of different customers which are extracted hereunder:-

Photograph	Relevant Information
	Name of the Client: The Nashik Municipal Corporation, Maharashtra Place of Installation: Khat Prakalp, Nashik Year of Supply: 2011 Year of clicking of the Photograph: 2011
	Name of the Client: En-Cler Biomedical Waste Pvt. Ltd. Place of Installation: Vapi, Gujarat Year of Supply: 2017 Date and time of clicking the Photograph: 10 th July 2019 at 2:49 PM
	Name of the Client: SESG, Riyadh, Kingdom of Saudi Arabia Place of Installation: Riyadh, Kingdom of Saudi Arabia Year of Supply: 2016 Date and time of clicking the Photograph: 15 th March 2016 at 10:06 AM



21. Appreciating the photographs available on its website from the year 2019 in conjunction with the aforesaid photographs of supply of such goods and services to the aforesaid customers in various years, *prima facie*, leaves no doubt that these photographs are originally pertaining to the plaintiff, and have been commissioned by it. Thus, the plaintiff appears to have its copyright over the same as the owner of original artistic works.

22. In comparison, the defendant who is also stated to be in the identical trade, appears to have lifted the photographs as it is from the website of the plaintiff and pasted them on its own website. The same is clear from the following screenshots which have been placed on record by the plaintiff:-





23. A perusal of the aforesaid photographs leaves no doubt in the mind of the Court that they are identical to that of the plaintiff. It also is clear that the said website pertains to the defendant as its trademark /corporate name “Scientco” alongwith its logo is prominently displayed in the screenshots. In fact these are the very same three photographs which are found in the website of the plaintiff. There is no reason why the defendant, particularly on its official website will display photographs, *prima facie*, appear to belong to the plaintiff. At this stage, the said use appears to be not *bona fide*. *Prima facie*, the acts of the defendant appear to be infringing the copyright of the plaintiff in the photographs.

24. On an overall consideration, it appears that an *ex-parte ad-interim* injunction in favour of the plaintiff as against the defendant is warranted.

25. Evidently, the plaintiff has established a *prima facie* strong case in its favour. The balance of convenience is tilted in favour of the plaintiff. Plaintiff is likely to suffer irreparable loss and injury which may not be adequately compensated in monetary terms in case an ad-interim injunction is not passed.

26. Accordingly, the following directions are passed:

- i. Defendant and all others acting for and on its behalf are restrained from reproducing, copying, publishing, displaying, communicating to



the public, or otherwise using the plaintiff's copyrighted photographs, or any other photographs identical or deceptively similar thereto.

ii. Defendant and all others acting for and on its behalf are also directed to forthwith remove/take down all infringing photographs and content from its website, including <www.scienticoincinerators.com>, its IndiaMart listings, and any other online platforms under its control.

27. Issue notice.

28. Let a reply to this application be filed by the defendant within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

29. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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30. Let the plaint be registered as a suit.

31. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.

32. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

33. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an Affidavit of Admission/Denial of the documents of defendant be filed by the plaintiff, without which the Replication shall not be taken on record.

34. 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.

35. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

36. List before the Joint Registrar on 12.08.2026 for completion of service and pleadings.

37. List before this Court on 16.11.2026.

TUSHAR RAO GEDELA, J

MAY 26, 2026

kct/rl