

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). _____ OF 2026
(@ SPECIAL LEAVE PETITION (CIVIL) No(S). 18549/2026**

AMARA RAJA ENERGY MOBILITY LTD

APPELLANT

VERSUS

EXIDE INDUSTRIES LTD

RESPONDENT

O R D E R

Leave granted.

2. Pursuant to our order dated 25.05.2026, learned senior counsel for the appellant has filed the affidavit of Sri Radhakrishnanan, Chief Business Officer-India & SAARC-Automotive and Home Energy of the appellant.

3. The said affidavit is taken on record and the same reads as under:

“AFFIDAVIT ON BEHALF OF THE PETITIONER IN COMPLIANCE
OF ORDER DATED 25.05.2026:

I, Radhakrishnan Chandrasekar, aged about 53 years, s/o Mr. S. Radhakrishnan r/o Lcg 04-pha, The Laburnum, Sector 28, Chakarpur (74), Gurgaon, Haryana, 122002 do hereby solemnly affirm and declare as under:

1. That I am the Chief Business Officer- India & SAARC-Automotive and Home Energy of the Petitioner Company and am well-acquainted with the facts of the case and as such competent to affirm this affidavit. That I am authorised to execute this affidavit vide

authorisation letter dated 26.05.2026 which is annexed herewith as Annexure-A1.

2. That the present affidavit is being filed pursuant to Order dated 25.05.2026 passed by this Hon'ble Court.

3. I state that the Petitioner was manufacturing ELITO branded batteries having red trade dress on the battery itself as well as on the carton ("Subject Product"), Petitioner was selling the Subject Product to its third-party distributors/ franchisees on a principal outright sale basis. Such distributors/ franchisees were in turn undertaking outright sale to third-party retailers on a principal- to-principal basis.

4. Based on information available with Petitioner, the inventory of Subject Product lying unsold with Petitioner's distributors franchisees as on 25.05.2026 is 1,38,477 units valued at Rs.24.99 Crores.

5. I state that the Petitioner lacks privity with the retailers and cannot confirm with certainty the quantum/ value of unsold inventory lying with the retailers. However, on an estimate based on information collected from Petitioner's distributors/ franchisees, to the best of Petitioner's knowledge, the inventory lying unsold with such retailers as on 25.05.2026 is estimated to be approximately 81,000 units, with an estimated value of Rs.15.60 crores.

6. I say that the last date of manufacture of the Subject Product by the Petitioner was 29.03.2026. There has been no production after the Impugned Order dated 02.04.2026. The last date on which the Subject Product was sent to distributors/ franchisees was 31.03.2026. Accordingly, the last invoice issued by the Petitioner for Subject Product is dated 31.03.2026. Should there be any doubt at any stage, it would always be open to the Hon'ble High Court to verify this by requiring the Petitioner-a public limited and listed company- to produce its records.

7. I further state that each subject product as well as each carton contains the month and year of manufacture in addition to a unique 14-digit serial

number and does not carry a separate batch number. The serial number of the last manufactured unit of the Subject Product is CFE4213A325967.

8. I further state that the Petitioner is presently in possession of 20,789 units of the Subject Product, the value whereof is Rs.2.63 Crores. It is prayed that this Hon'ble Court may consider disposal of the same since the subject trade dress is pasted on the product itself and the outer shell of the battery itself is red coloured. It is therefore, not feasible or viable to change the trade dress and colour on the existing stock. If Petitioner is not permitted to dispose of the existing stock lying with it, the same would be wasted.

9. In addition to the packed batteries as detailed, I state that the Petitioner has 1,44,547 empty cartons carrying the subject trade dress.

10. That the contents of the above affidavit are true and correct and no part of it is false and nothing material has been concealed therefrom."

4. We have closely perused the contents of the affidavit.

5. We have also heard learned senior counsel for the respective parties.

6. Insofar as what is contained in paragraphs 8 and 9 of the affidavit is concerned, we state that the existing stock could be marketed by the appellant-company in any other package which is not red in colour or which is not similar to the packaging of respondent's product. It is stated that the appellant is in possession of 20,789 units of the subject Product valued around Rs.2.63 crores. Insofar

as 1,44,547 empty cartons which are claimed to be similar to the carton/packaging of the respondent-product is concerned, we direct that the said number of empty cartons be destroyed and not utilised and therefore, the temporary injunction insofar as those empty cartons are concerned, shall continue.

7. We have perused the contents of paragraphs 4 to 7 of the affidavit.

8. We note that the unsold products, with the appellant-Distributors/Franchises are no longer in the custody or control of the appellant in terms of what is stated in paragraphs 3 and 4 as they are with the third party-Distributors/Franchises sold on a principle-to-principle basis or with the Retailers as per paragraphs 3 to 5. It is further stated in paragraph 6 that there has been no production after 02.04.2026 (the day on which the temporary injunction order was affirmed by the Division Bench) as the last date of manufacture was 29.03.2026; that the last invoice issued by the appellant for the subject product is dated 31.03.2026.

9. In the circumstances, insofar as the products which are described in paragraphs 3 to 5 are

concerned, we modify the order of temporary injunction and to that extent, we permit the appellant's products which are packaged in red colours cartons be sold by the third party franchises/distributors or retailers to the customers.

10. The impugned order is modified to the aforesaid extent only.

11. The appeal is allowed in-part in the aforesaid terms.

12. It is needless to observe that the aforesaid order is only for the purpose of considering the controversy relating to the issuance of the temporary injunction as against the appellant herein and would have no bearing on the merits of the suit.

....., J
(B.V. NAGARATHNA)

....., J
(UJJAL BHUYAN)

NEW DELHI
MAY 27, 2026

ITEM NO.89

COURT NO.4

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S).18549/2026

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 02-04-2026 IN TEMPPO-IPD NO. 7/2025 PASSED BY THE HIGH COURT AT CALCUTTA]

AMARA RAJA ENERGY MOBILITY LTD

PETITIONER(S)

VERSUS

EXIDE INDUSTRIES LTD

RESPONDENT(S)

FOR ADMISSION

Date : 27-05-2026 This petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. C. Aryama Sundaram, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Sidharth Luthra, Sr. Adv.
Ms. Devina Sehgal, AOR
Mr. Adarsh Ramanujan, Adv.
Mr. Ankit Virmani, Adv.
Ms. Rohini Musa, Adv.
Mr. Zafar Inayat, Adv.
Ms. Vasundhara Bakhru, Adv.
Ms. Ruchika Agarwala, Adv.
Ms. Devanshi Sharma, Adv.
Mr. Yatharth Kansal, Adv.

For Respondent(s) : Mr. Mukul Rohatgi, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Rishi Agrawala,, Adv.
Ms. Misha Rohatgi, AOR
Ms. Suhrita Majumdar, Adv.
Mr. Kironjit B. Majumder, Adv.
Mr. Ankur Saigal,, Adv.
Ms. Sukriti Bhatnagar, Adv.

Mr. Nakul Mohta,, Adv.
Ms. Saijal Arora,, Adv.
Mr. Dipro Dawn,, Adv.
Ms. Anushree Kapooria, Adv.
Ms. Ira Mahajan,, Adv.
Ms. Sneha Menon, Adv.
Ms. Sayani De, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in-part in the aforesaid
terms.

Pending application(s), if any, shall stand
disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)

