



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

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Judgment reserved on: 08.05.2026

Judgment delivered on: 15.06.2026

+ **CS(COMM) 294/2024**

ASTRAL LTD.

.....Plaintiff

versus

**M/S ASTRAL MARKETING SYNDICATE
& ANR.**

.....Defendants

Advocates who appeared in this case

For the Plaintiff : Mr. Sachin Gupta, Ms. Mahima Chanchalani, Ms. Prashansa Singh, Mr. Rohit Pradhan, Mr. R. Jain & Mr. Ajay, Advocates.

For the Defendants : Mr. Anchit Bhandari & Mr. Ashok Mittal, Advocates for Defendant No.1.

**CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA**

JUDGMENT

TEJAS KARIA, J

I.A. 16193/2025

1. The present Application has been filed by Defendant No. 1 / Applicant under Order VII Rule 11 read with Section 151 of the Code of



Civil Procedure, 1908 (“CPC”) seeking rejection of the Plaint filed by the Plaintiff.

SUBMISSIONS ON BEHALF OF THE APPLICANT / DEFENDANT

NO. 1:

2. The learned Counsel for the Applicant / Defendant No. 1 advanced the following submissions:

- 2.1. The Plaint is liable to be rejected under Order VII Rule 11 of the CPC on the grounds that this Court lacks territorial jurisdiction to entertain the present Suit.
- 2.2. Under Section 20 of the CPC, a Suit may be instituted only where the defendants reside, carry on business, or where the cause of action, wholly or in part, arises. In the present case, Defendant No. 1 carries on business exclusively at Ahmedabad, as is acknowledged by the Plaintiff in the Memorandum of Parties to the Plaint as well as in the supporting documents placed on record. Further, the Plaintiff’s principal place of business is also situated in Ahmedabad. Accordingly, this Court does not have the territorial jurisdiction to try the present Suit.
- 2.3. The Plaintiff has sought to invoke the jurisdiction of this Court on two principal grounds: firstly, that Defendant No. 1 intends to trade across India; and secondly, that Defendant No. 1 is selling the alleged infringing goods and delivering within the territorial jurisdiction of this Court, however, Defendant No. 1 carries on business solely in Ahmedabad and has never sold any of the alleged infringing goods outside Ahmedabad.



- 2.4. A mere advertisement having spillover circulation within the territorial jurisdiction of this Court is insufficient to confer jurisdiction. In the present case, the advertisement on the Justdial portal was specifically directed at customers in the State of Gujarat, as is evident from the contents of the advertisement itself.
- 2.5. In any event, even assuming that Defendant No. 1 had advertised its alleged infringing products in Delhi, such fact alone would not vest this Court with jurisdiction to try the present Suit, as the Plaintiff has not pleaded any commercial transaction, sale, or delivery within the territorial jurisdiction of this Court. There is nothing on record to show that any order for the alleged infringing products was ever placed in Delhi through Justdial.
- 2.6. Further, the mere listing of products on a passive website does not constitute a cause of action sufficient to maintain the Suit before this Court.
3. In view of the foregoing submissions, it is prayed that the present Application be allowed.

SUBMISSIONS ON BEHALF OF THE PLAINTIFF:

4. The learned Counsel for the Non-Applicant / Plaintiff advanced the following submissions:
- 4.1. For the purpose of deciding the objection to the territorial jurisdiction of this Court to entertain the present Suit, the averments contained in the Plaint are required to be assumed to be true. The Plaintiff has specifically pleaded that Defendant



No. 1 is carrying on business in Delhi through an interactive e-commerce platform, namely Justdial, as a result whereof consumers within the territorial jurisdiction of this Court are likely to be confused and misled into purchasing Defendant No. 1's products under the belief that the same emanate from the Plaintiff.

4.2. Defendant No. 1 has not denied that the Justdial listing of the alleged infringing products pertains to Defendant No. 1. The said listing enables consumers to download Defendant No. 1's business card and catalogue and further permits them to submit inquiries and initiate chats with Defendant No. 1.

4.3. The targeting of customers need not necessarily involve an aggressive act of marketing; the mere presence of a website and its accessibility to consumers within the territorial limits of this Court would be sufficient to confer jurisdiction upon this Court.

5. In view of the foregoing submissions, it is prayed that the present Application be dismissed.

ANALYSIS AND FINDINGS:

6. Heard the learned Counsel for the Parties and perused the material placed on record.

7. The Plaintiff has pleaded that this Court has jurisdiction to try the present Suit in Paragraph Nos. 32 to 34 of the Plaint, which are reproduced as under:

“32. This Hon'ble Court has jurisdiction to entertain and try the present suit under the provisions of Section 20 CPC as the Defendant is carrying on its business at Delhi, which is within the



jurisdiction of this Hon'ble Court. It is pertinent to note that the Defendant No.1 's products under the impugned trade mark ASTRAL are being advertised, and listed through interactive e-commerce website, namely, Justdial <https://www.justdial.com/jdmmi/Ahmedabad/Astral-Marketing-Syndicate-Nr-Vijay-Mill-Naroda-Road/079PXX79-XX79-230728160626-W5K8_BZDET/catalogue?nid=10460895> which is accessible and visible to traders, customers and public at large throughout India including Delhi. Through the said website, the Defendants can be contacted, and orders for the impugned products can be placed all across India including Delhi.

33. It is noteworthy that JustDial is an Indian e-commerce company which provides B2B and customer sales services via its web portal. The Defendant No.1 is believed to already have substantial customers at Delhi and are selling the products under the impugned mark at Delhi. The Plaintiffs have their sales & marketing office at Delhi and is selling its products under the trade mark ASTRAL at Delhi. The customers within the jurisdiction of this Hon'ble Court are getting confused and are being misled to procure the Defendant No.1 's products, which is causing injury to the Plaintiffs at Delhi. The reasonable risk of confusion and riding piggyback over Plaintiffs' goodwill thus get heightened when identical trade mark ASTRAL is being by the Defendants.

34. This Hon'ble Court has the jurisdiction to entertain and try the present suit under Section 20 of Code of Civil Procedure since the Defendants' are selling its products under the impugned mark at Delhi. The Plaintiff is also selling its products at Delhi.”

8. Defendant No. 1 contends that the Plaintiff has sought to invoke the jurisdiction of this Court by asserting that Defendant No. 1 intends to sell its alleged infringing products across the country and that such products are available for sale in Delhi, however, Defendant No. 1 carries on business



only in Ahmedabad and has never sold any such goods in Delhi. Defendant No. 1 further contended that the principal place of business of both Defendant No. 1 and the Plaintiff is Ahmedabad and that, consequently, this Court lacks jurisdiction to entertain the present Suit.

9. *Per contra*, the Plaintiff contends that, since Defendant No. 1 is carrying on business in Delhi through the internet platform Justdial, a part of the cause of action has arisen in Delhi. The Plaintiff further submitted that it has a subordinate office in Delhi and that, therefore, this Court has jurisdiction to try the present Suit under Section 134 of the Trade Marks Act, 1999 (“**the Act**”) read with Section 20 of the CPC

10. It is a settled principle that, in an application seeking Return of the Plaintiff, an objection as to the jurisdiction is to be considered on *demurrer*. Consequently, at this preliminary stage, all the facts pleaded in the Plaintiff are required to be assumed to be true and the Plaintiff is not required to be called upon to establish the same by leading evidence. The Court must, therefore, proceed on the footing that the averments contained in the Plaintiff are correct and determine whether it lacks jurisdiction to entertain the present Suit.

11. In the Suits for Trade Mark infringement and passing off, the cause of action arises at the place where the confusion or deception constituting the infringement or passing off occurs or where the plaintiff suffers injury. Accordingly, the Court within whose territorial jurisdiction such cause of action arises, whether wholly or in part, would be vested with the jurisdiction to entertain any try any suit.

12. In the present Suit, the Plaintiff has specifically pleaded that Defendant No. 1’s alleged infringing products bearing ‘Astral’ mark are



being advertised and offered for sale on the third-party platform, Justdial. In support of the said submission, learned Counsel for the Plaintiff drew the attention of this Court to Document No. 17 filed along with the Plaintiff's documents, which reflects that Defendant No. 1's listing on Justdial in respect of the alleged infringing products.

13. The learned Counsel for the Plaintiff submitted that the said listing on Justdial provides Defendant No. 1's contact number, whereby enabling prospective customers to get in touch with Defendant No. 1. It was further submitted on behalf of the Plaintiff that chats may be initiated and enquiries may be sent through the said page. The Plaintiff's Counsel further submitted that Defendant No. 1's catalogue of the alleged infringing product is also accessible through the said listing on Justdial.

14. This Court in *Sun Pharmaceutical Industries Ltd. v. Artura Pharmaceuticals (P) Ltd.*, 2025 SCC OnLine Del 8642, has held that the 'Contact Us' page can be sufficient to make a website interactive so as to confer jurisdiction on this Court in an internet-based Trade Mark dispute. The relevant portion of the said decision is reproduced as under:

"27. The principles governing internet jurisdiction were laid down in Banyan Tree (supra), which established that the Court must apply the "sliding scale test" and "effects test" to determine jurisdiction in internet based disputes. These tests are to be applied to determine the nature and extent of the Defendant's activities and whether they amount to purposeful avilment of the forum, and not to deny jurisdiction at the threshold stage where the Plaintiff has made specific averments about website accessibility and interactivity.

28. The Plaintiff has pleaded in the Plaint that the Impugned Website has a "Contact Us" page inviting users to "write to us" for services, which amounts to an invitation to potential customers



including those in Delhi, and has further pleaded that the Defendant has made available Product Brochures mentioning the Impugned Marks for download from the Impugned Website, and that the Impugned Marks, 'NEOVITAL' is actively listed on the Subject Website, which explicitly declares its purpose as facilitating trade opportunities and promoting products and services online for the pharmaceutical industry. These averments, which must be accepted as true at this stage, establish prima facie that the Defendant has made its products accessible to consumers in Delhi through internet platforms, and that the Defendant is purposefully availing itself of the forum by maintaining an online presence that is accessible to and targets consumers in Delhi, thereby creating the potential for confusion and deception among Delhi-based consumers who may encounter these Impugned Marks online.

29. The Defendant's argument that no sales invoice or purchase order has been produced showing delivery of products in Delhi will not be bar the jurisdiction of this Court so long as there is averment in the Plaint that there the website offered by the Defendant is containing the products with the Impugned Marks, the same is accessible to consumers in Delhi and it is interactive in nature. The Defendant's contention that the Impugned Website is merely "passive plus" and does not facilitate commercial transactions requires further requires leading of evidence and cannot be conclusively determined at this stage without examination of the complete functionality of the "Contact Us" page inviting users to write for services and the availability of product brochures. Such functionality of the Impugned Website can reasonably be construed as facilitating commercial transactions, and whether the same amount to sufficient interactivity to establish jurisdiction is a mixed question of law and fact requiring determination at the stage of trial.

30. The distinction between passive, passive plus, and interactive websites as laid down in Banyan Tree (supra) is not a rigid categorization that can be mechanically applied at the preliminary stage, but requires detailed examination of the actual functionality, purpose, and effect of the Impugned Website, which can only be



properly undertaken through trial after Parties lead evidence about the nature of online interactions, the purpose, functionality and effect of the Impugned Website, and whether any confusion or deception actually occurred in Delhi.

31. The third-party listing on the Subject Website, which the Defendant characterizes as a mere directory, must be viewed in light of the Plaintiff's pleading that this platform explicitly declares its purpose as facilitating trade opportunities and promoting products online for the pharmaceutical industry, and contains an interactive enquiry form soliciting product requirements from potential buyers, which averments must be accepted as true under the demurrer principle. Whether this amounts to sufficient commercial activity to establish jurisdiction or is merely a passive directory listing is a question of fact requiring examination through evidence and cannot be summarily determined at this preliminary stage in favor of the Defendant.

32. As observed by this Court in Tata Sons (supra), that the targeting need not be a very aggressive act of marketing aiming at a particular set of customers and mere looming presence of a website in a geography and ability of the customers therein to access the website is sufficient, in a given case.

33. The issue of territorial jurisdiction, being a mixed question of law and fact, involving factual controversies about the nature and extent of online activities may not be always resolved at the threshold stage. The Plaintiff has made specific averments that the Defendant's products under the Impugned Marks are accessible to consumers in Delhi through the Impugned Website and the Subject Website. This Court has found that the Impugned Marks prima facie are deceptively similar to the Plaintiff's Trade Marks. The Nutritional Supplement Brochure available on Impugned Website mentions the Impugned Marks. Such accessibility of the products containing the Impugned Marks on the Impugned Website creates the likelihood of confusion and deception among the consumers within the jurisdiction of this Court, who can freely access the



Impugned Website and contact the Defendant through “Contact Us” page for availing the services. The only service the Defendant offers is manufacturing and sale of the products that includes products containing the Impugned Marks. This amounts to part of the cause of action having arisen in Delhi.

34. The question whether through the “Contract Us” page on the Impugned Website, the Defendant has actually entered into commercial transactions of sale with Delhi-based consumers and whether the Defendant is only having export-only business would require leading of evidence by both the Parties and will have to be established at the stage of trial in this Suit. All these disputed questions of fact cannot be determined at this stage without examination of evidence, including the evidence about the actual functionality of the Impugned Website and the Subject Website, the nature of enquiries received by the Defendant through these platforms, whether any such enquiries originated from Delhi, the intended market for the Defendant's products, and whether Delhi-based consumers have been exposed to or confused by the Impugned Marks.

35. The extent and nature of the Defendant's online activities by publishing the Nutritional Supplement Brochure mentioning the Impugned Marks on the Impugned Website and having the “Contact Us” page are sufficient to establish jurisdiction of this Court and permit the Suit to proceed to trial rather than summarily returning the Plaintiff at this preliminary stage.

36. The jurisdictional objection raised by the Defendant involves disputed questions of fact that cannot be satisfactorily resolved at this stage. The bare perusal of the Plaintiff and documents filed therewith disclose that part of the cause of action has arisen in Delhi through the accessibility of the Defendant's products under the Impugned Marks to Delhi-based consumers via the Impugned Website and the Subject Website. The true nature and extent of the Defendant's online activities, the purpose and effect of maintaining product information containing the Impugned Marks and inviting



the consumers to contact the Defendant for availing services of the Defendant amounting to sufficient purposeful availment to establish jurisdiction resulting in actual confusion or injury to Plaintiff in Delhi would require detailed examination after the trial stage rather than summary dismissal at this threshold stage under Order VII Rule 10 of the CPC.

37. In the facts and circumstances of this case, the proper course is to allow the Suit to proceed for trial after completion of pleadings and framing of Issues, where the Defendant's objection to territorial jurisdiction of this Court shall be framed and decided as a Preliminary Issue, after both Parties are given opportunity to lead evidence on the factual aspects, including evidence about the nature and functionality of the Impugned Website and the Subject Website, the extent of the Defendant's activities in Delhi, whether any commercial transactions or enquiries originated from Delhi, and whether any confusion or deception occurred amongst Delhi-based consumers.”

15. Relying upon the decision in ***Sun Pharmaceutical*** (supra), a coordinate bench of this Court in ***Ravinder Singh v. Regoshin Healthcare (P) Ltd.***, 2026 SCC OnLine Del 3716, observed as under:

“25. Plaintiff has also averred in the plaint that Defendants' product listings are visible on third-party e-commerce websites such as Justdial and Indiamart. Dealing with this aspect, in Sun Pharmaceutical (supra), the Court has held that the contention of the Defendant therein that the website is only a directory, must be viewed in light of Plaintiff's pleading that this platform facilitates trade opportunities and promotes products as also contains an enquiry in the form of soliciting product requirements, which must be accepted as true under the demurrer principle. In the instant case, Plaintiff has averred in the plaint that product listings of the Defendants are available on Justdial and India Mart and specific URLs have been given in paragraph 36 of the plaint. Applying the



aforesaid judgment, at this threshold stage, it is enough to state that the websites which are accessible at Delhi, do constitute facilitators by which the Defendants advertise and promote the products of the Defendants and allure the potential customers to buy them and this prima facie gives rise to part cause of action in Delhi....”

16. A perusal of the aforesaid judgments makes it manifest that third-party platforms such as Justdial, being accessible to consumers within the territorial jurisdiction of this Court, operate as facilitators for the advertisement and promotion of the products listed thereon, and play a significant role in inducing prospective customers to purchase such products.

17. In *Tata Sons P. Ltd. v. Hakunamatata Tata Founders and Ors.*, 2022 SCC OnLine Del 2968, this Court held that the targeting of customers need not necessarily involve an aggressive act of marketing directed at a particular class of customers and that, in an appropriate case, the mere online presence of a website in a given territory, coupled with its accessibility to customers therein, may suffice.

18. The Plaintiff has averred in the Plaint that Defendant No. 1’s alleged infringing products are listed, advertised, and promoted on Justdial, which is accessible to traders, customers, and the public at large throughout India, including Delhi. It is further averred that, through the said listing, Defendant No. 1 may be contacted, and orders may be placed by customers in Delhi.

19. These averments are required to be accepted as true for the purpose of deciding the present Application on the *demurrer* principle. Applying the decisions of this Court in *Sun Pharmaceutical* (supra) and *Ravinder Singh* (supra) to the facts of the present case, Defendant No. 1’s listing on Justdial,



through which the alleged infringing products are advertised and can be explored by customers in Delhi, who may also access the product catalogue and contact Defendant No. 1 for placing orders, *prima facie* gives rise to part of the cause of action in Delhi. This functionality of the listing on Justdial may reasonably be construed as facilitating commercial transactions.

20. Although Defendant No. 1 has contended that there is no material on record evidencing any actual commercial transaction in Delhi in respect of the alleged infringing products, Defendant No. 1's listing on Justdial and accessibility of the same to the customers in Delhi would be sufficient to confer jurisdiction to this Court at this stage.

21. In addition, the Plaintiff has averred that it has a subordinate office in Delhi, which is also borne out by the address stated in the Memorandum of Parties in the Plaint. Therefore, a part of the cause of action arises in Delhi and this Court would have territorial jurisdiction in accordance with Section 134 of the Act read with Section 20 of the CPC as the Plaintiff also maintains a subordinate office within the jurisdiction of this Court.

22. In this context, it is apposite to refer to the decision of this Court in *Astral Ltd. v. Ajay Enterprises*, 2025 SCC OnLine Del 10065, wherein it has been held that under Section 134 of the Act read with Section 20 of the CPC, where the cause of action arises in part at both the places where the plaintiff's principal office and subordinate office are situated, the Courts at both places would have jurisdiction to entertain the suit. The said forums are not mutually exclusive for the purposes of institution of the suit, as the plaintiff is deemed to carry on business at both such places. The relevant portion of the said decision is reproduced below:



“27. Where the cause of action arises in part at both the places where the principal and subordinate offices are located, Section 20 provides that the Court at both places would have jurisdiction as even the place where subordinate office is located shall be treated as place where the plaintiff carries on business to confer the jurisdiction to the Court at that place. Accordingly, the plaintiff will have two places of carrying on business; (i) where the principal office is located; and (ii) where the cause of action and subordinate office both are at the same place.

28. Both these places are not mutually exclusive for the purpose of the institution of a Suit and the Courts at both places shall have jurisdiction. The Court at the place where the principal office is located would not exclude the jurisdiction of the place where the subordinate office is located, if the cause of action has arisen at both the places. On the contrary, the Explanation to Section 20 is an enabling provision specifically with respect to when cause of action arises at a place where a corporation's subordinate office is located. In that case, the plaintiff is entitled to institute a suit at the said place as well.”

23. However, Defendant No. 1 has contended that, since the principal place of business of both Defendant No. 1 and the Plaintiff is Ahmedabad, this Court lacks territorial jurisdiction to entertain the present Suit and that the Plaintiff has not specifically pleaded jurisdiction under Section 134 of the Act.

24. Both the above objections of Defendant No. 1 cannot be accepted as: *firstly*, it is not disputed by Defendant No. 1 that the Plaintiff does not have a subordinate office within the jurisdiction of this Court and, therefore, as per *Astral* (supra), this Court would have jurisdiction and *secondly*, it is well settled that the mere non-mention of a statutory provision does not, by itself, divest a Court of jurisdiction, if such jurisdiction otherwise exists in law.

25. Accordingly, in view of the fact that a part of the cause of action has arisen in Delhi, inasmuch as Defendant No. 1's listing on Justdial, through



2026:DHC:5101



which the alleged infringing products are advertised and are accessible to the customers in Delhi, and further having regard to the fact that the Plaintiff maintains a subordinate office in Delhi, this Court *prima facie* has the territorial jurisdiction to entertain and try the present Suit.

26. In view of the foregoing analysis, the present Application is liable to be dismissed. However, the rights and contentions of the Defendant No. 1 with respect to the issue of territorial jurisdiction are kept open to be urged at the appropriate stage in the Suit, and the same shall be adjudicated on their own merits. Subject to the aforesaid observations, the present Application stands dismissed.

CS(COMM) 294/2024, I.A. 7865/2024 & I.A. 29673/2025

27. List on 19.08.2026.

TEJAS KARIA, J

JUNE 15, 2026

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