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

+ **CS(COMM) 693/2026**

LANDMARK CRAFTS LIMITEDPlaintiff

Through: Mr. J. Sai Deepak, Senior Advocate
with Ms. Stuti Wason and Mr. Vipin Wason,
Advocates.

versus

**SHALINI GARG PROPRIETOR OF SHREE MANGE RAM AND
SONS**Defendant

Through:

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

% **06.07.2026**

I.A. 16783/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 16781/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12A (1) 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. 16782/2026 (u/O XI Rule 1(4) r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiff seeking time to file additional documents.
7. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with the provisions of the Commercial Courts Act, 2015.
8. Application is allowed and disposed of.

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9. Let plaint be registered as a suit.
10. Upon filing of process fee, issue summons to the Defendant through all permissible modes, returnable before the learned Joint Registrar on 20.08.2026.
11. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the receipt of summon along with affidavit of admission/denial of the documents filed by the Plaintiff.
12. It will be open to the Plaintiff to file replication within 30 days from the date of receipt of written statement along with affidavit of admission/denial of documents filed by the Defendant.
13. If any of the parties wish to seek inspection of any documents, the same be sought and given within the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.
14. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A.16780/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

15. 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.

16. Issue notice to the Defendant through all permissible modes, returnable before Court on 04.11.2026.


17. Case of the Plaintiff as set out in the plaint is that Plaintiff is a limited company registered with the Ministry of Micro, Small and Medium Enterprises. Plaintiff through its predecessor-in-interest has been engaged in the business of manufacturing, marketing and supplying high-quality self-drilling/self-driving screws, blind rivets and allied fastener products since 15.12.1995 and has over the years established itself as a reputed, trusted and well-recognized name in the fasteners industry across India. Plaintiff operates on a PAN-India scale under the trademark 'HP' and caters to a wide spectrum of industries, including construction, infrastructure, engineering and allied sectors and by virtue of its long, continuous and extensive use of the trademark 'HP', Plaintiff has developed a formidable market presence and immense goodwill on account of consistent quality, innovation and an extensive distribution network spanning multiple States across the country and goods of the Plaintiff are being sold through an established and extensive network of dealers, distributors and channel partners making its products readily available across various regions including North, West, South and East India.

18. It is stated that the trademark 'HP' was originally conceived, adopted and coined in 1995 by Mr. Pankaj Lidoo, a Kashmiri Pandit who after displacement from Kashmir in the early 1990s established his business as a sole proprietor under the name and style M/s Landmark Engineers and the trademark 'HP' signifies 'Honour and Pride'. In the course of expansion and growth of business operations, Mr. Pankaj Lidoo incorporated M/s



Landmark Fasteners Private Limited on 08.07.2002 and subsequently on 11.05.2007, along with majority of Directors, incorporated another company, namely, M/s Landmark Craft Private Limited, now known as M/s Landmark Craft Limited i.e., the Plaintiff herein, thereby continuing, consolidating and further strengthening the business, goodwill and proprietary rights associated with the said trademark.

19. It is stated that Plaintiff through predecessor-in-interest is the registered proprietor of mark 'HP' in different classes and some applications are pending. In respect of self-driving screws, Plaintiff is registered under application no. 1566805 with user dated 15.12.1995 and registration is valid and subsisting. Plaintiff through predecessor-in-interest is also a registered owner of trademark 'HP' under TM No. 5600411 with user date 15.12.1995, in respect of self-drilling screws and blind rivets. Details of pending applications as also registrations in 'HP' trademarks and other marks in favour of the Plaintiff, are as follows:-

Trademarks (Word/Device marks)	Application No.	Class	User Since/Proposed to be use	Status
HP	1566805	6	15.12.1995	REGISTERED (Rectification filed)
HP	2848372	6	15.12.1995	REGISTERED (Rectification filed)
HP	5600411	6	15.12.1995	OPPOSED
HP	6103248	8	14.03.2006	IN PROCESS OF REGISTRSTI ON
HP	6103249	35	15.12.1995	OPPOSED
	3884796	6	PROPOSED TO BE USED. FILED ON 11.07.2018	REGISTERED
LE	6929568	6	15.12.1995	REGISTERED
LANDMARK	5586571	6	08.07.2002	REGISTERED
LANDMARK FASTENERS	5586570	6	08.07.2002	REGISTERED



LANDMARK	7114955	6	15.12.1995	ACCEPTED AND ADVERTISED
	4299506	6	PROPOSED TO BE USED. FILED ON 20.09.2019	OPPOSED
LANDMARK CRAFTS	5645311	6	11.05.2007	IN PROCESS OF REGISTRSTI ON
LANDMARK CRAFTS PRIVATE LIMITED	5645312	6	11.05.2007	IN PROCESS OF REGISTRSTI ON
LANDMARK CRAFTS LIMITED	7546201	6	11.11.2024	IN PROCESS OF REGISTRSTI ON
LANDMARK	7114957	35	15.12.1995	IN PROCESS OF REGISTRSTI ON
LANDMARK CRAFTS LIMITED	7546202	35	11.11.2024	IN PROCESS OF REGISTRSTI ON

20. It is stated that owing to long, continuous and uninterrupted use of the HP marks from 1995, Plaintiff has earned enormous goodwill, which is reflected from its voluminous sales and extensive promotions. HP marks have become distinctive of and are exclusively associated with the Plaintiff and none else in the field of self-drilling screws and allied goods. Over the years, Plaintiff has participated in various exhibitions and invested huge sums of money on advertisement, publicity and sales promotion through print, visual and electronic media. Products of the Plaintiff are marketed, advertised and sold under HP marks on Plaintiff's dedicated website i.e., www.landmarkcrafts.in as also through popular e-commerce websites such as Justdial, Indiamart.com, etc. and illustratively, screenshots of some of the advertisements are as follows:-



Advertisement through Plaintiff's website



Advertisement through Just Dial



Advertisement through India Mart





21. It is stated that Plaintiff has successfully reached out to members of trade and public at large for sale of goods bearing HP marks and the increasing goodwill and reputation is demonstrated from the substantial and steady increase in revenues generated from 2014-15 to 2025-26, details of which are as follows:-

Financial Year	Status of Audit	Amount (Rs.)
2014-15	Audited	33,71,75,837.00
2015-16	Audited	45,95,32,187.30
2016-17	Audited	53,46,59,875.56
2017-18	Audited	62,30,27,434.68
2018-19	Audited	78,93,01,393.00
2019-20	Audited	79,87,82,155.00
2020-21	Audited	1,06,86,86,295.00
2021-22	Audited	1,20,03,33,000.00
2022-23	Audited	1,51,44,91,342.00
2023-24	Audited	1,63,59,77,341.00
2024-25	Audited	1,65,71,93,917.00
2025-26	Provisional	2,07,59,58,712.00
	TOTAL	12,69,51,19,489.54 (Rs. 1269.51 crores)

22. It is stated that Plaintiff has diligently marketed, branded and advertised its products over the last twelve years, which is also reflective of its goodwill and reputation and details of the substantial expenditure incurred from 2014-15 to 2025-26, are as follows:-

Financial Year	Status of Audit	Amount (Rs.)
2014-15	Audited	13,10,632.00
2015-16	Audited	8,65,657.00
2016-17	Audited	6,51,735.00
2017-18	Audited	80,00,836.00
2018-19	Audited	1,36,83,570.00
2019-20	Audited	2,37,92,440.00
2020-21	Audited	4,32,16,441.00
2021-22	Audited	2,12,24,193.00
2022-23	Audited	2,28,64,057.00
2023-24	Audited	2,42,85,805.00
2024-25	Audited	2,37,89,887.00
2025-26	Provisional	1,42,92,960.00
	Total	197,978,213.00 Rs. 19.79 crores



23. It is stated that in order to strengthen its brand identity and enhance the visibility of the HP trademarks in the market, Plaintiff engaged Mr. Ishant Sharma, a prominent and internationally acclaimed cricketer as its Brand Ambassador and endorsement of the brand by the celebrity is also reflective of Plaintiff's commitment to quality, strength and reliability, besides contributing to increasing the recognition, goodwill and recall value of Plaintiff's trademark HP and its formative marks amongst consumers and members of the trade across India.

24. It is stated that Plaintiff is duly registered with Bureau of Indian Standards, which reflects Plaintiff's adherence to prescribed quality benchmarks and statutory standards, thereby evidencing the superior quality, safety and reliability of the goods manufactured and marketed under the HP marks. Certificate of compliance by Accredium Certifications has been issued to the Plaintiff for manufacture and supply of self-drilling screws, blind rivets, dry wall screws and roofing accessories. Plaintiff has also been awarded CRISIL Rating of CRISIL SME 1*. The rating SME1 shows highest level of creditworthiness, adjudged in relation to other SMEs. Plaintiff also regularly undertakes testing and quality verification of its products through reputed and accredited laboratories, including Shri Ram Institute for Industrial Research, which demonstrates that Plaintiff's goods consistently meet stringent technical specifications and industry standards, thereby reinforcing its quality, durability and performance. Plaintiff has also been accorded favourable ratings and certifications by various independent agencies, including Dun & Bradstreet, which further reinforces financial credibility, business reliability, market standing and overall goodwill associated with Plaintiff's products and HP trademarks in the concerned



field.

25. It is stated that Plaintiff enjoys a wide range of reputed clientele including prominent Government bodies, public sector undertakings and leading infrastructure entities *inter alia* GAIL (India) Limited, Delhi Metro Rail Corporation (DMRC), Delhi Jal Board etc., which is testament to the superior quality, reliability and goodwill of Plaintiff's products sold under 'HP' trademarks. Plaintiff has been vigilant in protecting its intellectual property rights and engages investigators regularly to find out infringing entities in order to ensure that its HP trademarks are not infringed. Plaintiff successfully defended an appeal under Section 91 of the Trade Marks Act, 1999 ('1999 Act') being C.A. (COMM.IPD-TM) 164/2022 titled *Ganraj Enterprises v. Landmark Crafts Ltd. and Anr.*, wherein the Appellant challenged an order passed by the Registrar of Trade Marks rejecting Appellant's petition for rectification of Plaintiff's trademark HP. In another judgment, Division Bench of this Court dismissed FAO(COMM) 66/2024 filed by the Appellants therein, challenging grant of interlocutory injunction in favour of the Plaintiff by the District Judge, which indicates the strength of Plaintiff's HP marks.

26. It is stated that Defendant is a sole proprietor engaged in the business of selling similar and identical goods as those of the Plaintiff such as metal bolts, fasteners, metal threaded fasteners, nut bolts and screws. In and around January, 2026, Plaintiff discovered that Defendant had filed



application for registration of the trademark



(device) vide trademark application no. 6595635 on a ‘proposed to be used’ basis on 28.08.2024 in Class 6 in respect of goods ‘*common metals and their alloys, ores, metal materials for building and construction, transportable buildings of metal, non-electric cables, and wires of common metals, small items of metal hardware, safe, metal containers for storage or transport, screw, nut, bolt, washers of metal and fasteners products (Made of Metal)*’, which are identical and/or similar to the goods of the Plaintiff. Plaintiff, being the registered proprietor and prior adopter and user of the HP marks, took prompt action by filing interlocutory petitions before the Trade Marks Registry on 22.01.2026 and the proceedings are pending. Plaintiff also sent a cease-and-desist notice dated 22.01.2026, which was received by the Defendant on 27.01.2026 and to which reply was sent on 29.01.2026, denying the allegations of infringement and passing off and claiming user from 2024.

27. It is stated that Plaintiff also initiated Pre-Institution Mediation proceedings but the Defendant did not respond and the District Legal Services Authority issued a Non-Starter Report dated 06.04.2026 *albeit* during the proceedings, Defendant assured the Plaintiff that the impugned



mark will not be used. However, the Defendant is continuing to use the impugned mark for identical goods, compelling the Plaintiff to approach the Court.

28. Learned Senior Counsel for the Plaintiff argues that Plaintiff is the registered proprietor and prior adopter of the trademark HP which has been



continuously, extensively and openly used in relation to self-drilling screws, fasteners and allied goods since 1995 and the trademark has acquired enviable goodwill and reputation as also distinctiveness due to use for over three decades and has become exclusively associated with the Plaintiff. Therefore, by virtue of Section 28 of 1999 Act, Plaintiff has acquired the exclusive right to use HP marks and restrain third parties from using them. Defendant is cleverly not only using the mark HP but has strategically placed the letters 'ISI' vertically as **ISI** preceding 'HP', but even then 'HP' remains the dominant part of the mark. It is obvious that this strategy has been adopted to create a false commercial impression that the impugned goods are Plaintiff's products but at the same time attempting to steer clear of the infringement by adding **ISI**. Letters 'ISI' are commonly understood in trade and commerce as denoting certification under the standards prescribed by the Bureau of Indian Standards and do not serve the function of indicating the trade origin or proprietary source of goods. No trader can claim any exclusive proprietary rights in the expression 'ISI' as a trademark in relation to certified goods and Defendant has, therefore, deliberately placed the expression before Plaintiff's registered trademark 'HP' to create an impression that the impugned goods are the Plaintiff's 'HP' products carrying ISI certification, which would deceive and confuse consumers, dealers and members of the trade into believing that the Defendant's goods originate from, are associated with, or are endorsed by the Plaintiff.

29. Having heard learned Senior Counsel for the Plaintiff and upon examination of the rival marks, I am of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte* ad interim injunction. Balance of




convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case *ex parte* ad interim injunction as prayed for, is not granted.

30. Plaintiff is the registered proprietor of HP trademark and its formative marks in respect of self-driving and self-drilling screws and blind rivets. By virtue of Section 28 of 1999 Act, Plaintiff has acquired exclusive right to use the registered HP marks and to restrain third-parties from infringing them. Documents on record indicate that Defendant is using the impugned mark



(logo) for selling similar/identical goods such as screws, nuts, bolts, fasteners. The impugned mark is *prima facie* deceptively similar to Plaintiff's registered HP marks and is being used for selling similar/identical goods. Trade channels and consumer base being common, there is every likelihood of confusion amongst members of public and potential consumers. It is *prima facie* evident that Defendant is using the impugned mark to misrepresent to the public that her goods have an association with the Plaintiff so as to encash on Plaintiff's formidable reputation and goodwill garnered over the years and which is causing irreparable harm to the Plaintiff. Comparative table of the rival marks is as follows:-

Trademark of the Plaintiff	Impugned mark of the Defendant
HP	SHP 

31. Accordingly, till the next date of hearing, Defendant and all others acting on her behalf are restrained from selling, offering for sale, displaying,



advertising, promoting, marketing self-drilling screws and blind rivets, metal bolts and fasteners and/or any other allied or cognate product bearing the



impugned mark and/or any other mark identical/deceptively similar to Plaintiff's registered HP marks, amounting to infringement of trademarks and/or passing off.

32. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

JYOTI SINGH, J

JULY 6, 2026
S.Sharma