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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 719/2026**
JK PAPER LIMITEDPlaintiff

Through: Ms. Swathi Sukumar, Senior Advocate with Mr. J.V. Abhay, Mr. Manik Singh, Ms. Bhanu, Mr. Ritik Raghuvansh, Ms. Rishika and Ms. Anshu Tulsyan, Advocates.

versus

MR. SUBHENDU KESH & ORS.Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.07.2026**

I.A.17566/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

I.A17564/2026 (exemption from pre-litigation mediation)

By way of the present application filed under section 12A of Commercial Courts Act, 2015 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks exemption from attempting pre-litigation mediation.

2. Having regard to the facts and circumstances of the present case, and in light of the judgment of the Supreme Court in ***Yamini Manohar vs. T.K.D. Keerthi***¹ and of a Division Bench of this court in ***Chandra***

¹ (2024) 5 SCC 815



Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.², the plaintiff is exempted from attempting pre-litigation mediation.

3. The application stands disposed-of.

I.A. 17565/2026

4. By way of the present application filed under Order XI Rule 1(4) (as amended by the Commercial Courts Act, 2015) read with section 151 of the CPC, the plaintiff seeks leave to file additional documents.

5. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.

6. The plaintiff is permitted to file additional documents within 30 days.

7. Application stands disposed-of.

I.A. 17567/2026 (exemption from advance service on the defendants)

8. By way of the present application filed under section 151 of the CPC, the plaintiff seeks exemption from effecting advance service upon the defendants.

9. The plaintiff has sought urgent interim relief, including the appointment of a local commissioner.

10. Having regard to the facts and circumstances of the case, the plaintiff is exempted from effecting advance service upon the defendants.

11. Application stands disposed-of.

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12. The plaintiff *inter-alia* seeks a decree of permanent and mandatory injunctions restraining the defendants from breaching, misusing, disseminating, transmitting, disclosing further publishing and

² 2022 SCC OnLine Del 3529



exploiting the plaintiff's confidential information/documents, amounting to infringement of copyright; and for delivery-up of the said information/documents, damages, rendition of accounts of profit, and costs.

13. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
14. Issue summons in the suit.
15. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
16. Let the summons indicate that the defendants are required to file written statement to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.
17. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 12th October 2026.
18. List before court thereafter.

I.A. 17563/2026

19. By way of the present application filed under Order XXXIX Rules 1 & 2 read with section 151 of the CPC, the plaintiff seeks grant of *ex-parte ad-interim* injunction, pending disposal of the present suit.
20. Ms. Swathi Sukumar, learned senior counsel appearing for the plaintiff submits, that defendants Nos. 1 to 5 were all employees in



the IT department of the plaintiff and have quit their services *en-masse* taking along with them proprietary data, software data and information belonging to the plaintiff company. Learned senior counsel submits that the said defendants have set-up a business under the name and style of defendant No. 6 viz., Intelvations LLP.

21. Ms. Sukumar submits, that under the terms of their employment, *inter alia* clause 6(c) of the employment letters, copies of which have been filed with the plaint, the said defendants were contractually bound not to disclose any financial matters, manufacturing processes, technical know-how and the security arrangements, administrative or organizational matters, whether confidential or otherwise, to any third party, during or after cessation of their employment.
22. Ms. Sukumar further submits, that not all the defendants have as yet surrendered their electronic devices at the time of leaving, which devices belong to the plaintiff company.
23. Ms. Sukumar submits, that the plaintiff has undertaken a forensic exercise through the consultancy forum Grant Thornton Bharat LLP, which has rendered a forensic report which says that the defendants have unlawfully retained information and material that is proprietary and confidential to the plaintiff; and which exposes the plaintiff to harm and loss.



24. In this backdrop, the plaintiff has claimed the following *ex-parte ad-interim* relief:

- (a) Grant ad interim injunction restraining the Defendants from infringing the Plaintiff's copyrights in its software systems, source codes, operational dashboards, reports, analytical frameworks, automation scripts, databases and related literary works;
- (b) Grant ad interim injunction restraining the Defendants, their partners, directors, employees, representatives, agents, affiliates and all others acting on their behalf from parting with, including by selling to third parties, accessing, using, copying, reproducing, storing, transmitting, disseminating, disclosing, publishing, exploiting or in any manner dealing with the Plaintiff's confidential information, proprietary systems, software, source codes, operational dashboards, business intelligence frameworks, reports, databases, analytical tools;

- (c) Grant ad interim injunction directing the Defendants to immediately disclose, return and deliver-up all confidential information, reports, source codes, databases, documents, copies, backups, devices, storage media and electronic records belonging to the Plaintiff;

- (d) Grant ad interim injunction restraining the Defendants from operating any business, platform, software system or technological framework derived from or based upon the Plaintiff's confidential information, or proprietary systems; and
- (e) Any other Orders as this Hon'ble Court may deem appropriate in the facts and circumstances of the case.



25. Issue notice.
26. Upon the plaintiff taking steps within 10 days, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
27. Let the notice indicate that reply to the application be filed within 30 days of service; rejoinder thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
28. This court is of the view that the forensic report rendered by Grant Thornton Bharat LLP would require to be subjected to scrutiny and proof, including at the hands of the defendants, being an experts' opinion.
29. Be that as it may, at this stage and without delving further into the interim relief sought, this court is satisfied that the plaintiff has made-out a *prima facie* case, and has also shown the balance of convenience in their favour and the likelihood of irreparable loss and injury *in relation to the use by the defendants of Purta/Purtha report as referred to in para 42 to 53 of the plaint.*
30. In view of the averments contained in the application; considering the nature of the claim in the suit; and on a *prima-facie* appreciation of the matter, by way of an *ex-parte ad-interim* order, the defendants are accordingly restrained from using or employing for any purpose the *Purta/Purtha report*, which is claimed to be proprietary and confidential in the hands of the plaintiff, till the next date of hearing.
31. It is made clear however that the defendants shall *not* be barred from using or employing any skill, knowledge or technical expertise that



they may have acquired in the course of their employment with the plaintiff.

32. Plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC within 10 days.
33. List before the learned Joint Registrar for completion of pleadings in this application on 12th October 2026.
34. List before court after completion of pleadings in this application.

ANUP JAIRAM BHAMBHANI, J

JULY 10, 2026/ak