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

+ **CS(COMM) 767/2026**

TVS MOTOR COMPANY LIMITED

.....Plaintiff

Through: Ms. Swathi Sukumar, Senior Advocate with Ms. Smriti Yadav, Mr. Adheesh Nargolkar, Mr. Shubham Singh and Mr. Bhuvan Malhotra, Advocates.

versus

RAM CHANDRA MAURYA & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **23.07.2026**

I.A. 19091/2026(Exemption)

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

I.A.19089/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12A 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. 19090/2026 (u/O XI Rule 1(4) r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiff seeking 30 days' 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.

I.A. 19092/2026 (u/S 151 CPC)

9. This application is filed on behalf of Plaintiff seeking exemption from effecting advance service on Defendants.

10. For the reasons stated in the application, the same is allowed, exempting Plaintiff from effecting advance notice on Defendants.

11. Application stands disposed of.

I.A. 19093/2026 (u/S 149 r/w Section 151 CPC)

12. This application is filed on behalf of the Plaintiff seeking extension of time for depositing requisite court fees within two weeks.

13. For the reasons stated in the application, the same is allowed permitting Plaintiff to deposit the requisite court fees within two weeks from today.

14. Application is disposed of.

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15. Let plaint be registered as a suit.

16. Upon filing of process fee, issue summons to Defendants through all permissible modes, returnable before the learned Joint Registrar on 24.08.2026.

17. Summons shall state that the written statements shall be filed by



Defendants within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by Plaintiff.

18. It will be open to the Plaintiff to file replications within 30 days from the date of receipt of written statements along with affidavit of admission/denial of documents filed by Defendants.

19. 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.

20. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A.19088/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

21. 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.

22. Issue notice to Defendants through all permissible modes, returnable before Court on 02.12.2026.

23. Case of Plaintiff is that Plaintiff is a subsidiary of TVS Holdings Limited and engaged in the business of manufacture of powered two-wheelers and three-wheelers, spare parts and accessories thereof including engines and is one of the leading manufacturers of motorcycles, mopeds, scooters and scooterettes. Plaintiff has a worldwide marketing network and offers a wide range of goods including motorised two-wheelers and three-wheelers, engines, parts and fittings thereof, which it promotes and sells rigorously across India and worldwide. Plaintiff also has four state-of-the-art manufacturing facilities in Hosur, Mysuru and Nalagarh in India and Karawang in Indonesia and endeavours to deliver its most superior customer



experience across 80 countries in which it operates. Plaintiff has always stood for innovative, easy-to-handle and environment-friendly products backed by reliable customer service and over the period, more than 50 million customers have bought Plaintiff's products, details whereof can be freely accessed from website www.tvsmotor.com.

24. It is stated that Plaintiff has attained immense reputation worldwide, including India and the same is reflected by several awards bestowed over the years, as detailed in paragraph 5 of the plaint including *inter alia* 'Two Wheeler Manufacturer of the Year' in 2015, 'Indian Motorcycle of the Year' in 2017 and 'TVS Raider- Indian Motorcycle of the Year' in 2022.

25. It is stated that Defendant Nos. 1 to 6 are joint owners and registered proprietors of two copyright registrations being Registration No.L-65555/2017 dated 15.05.2017 for the work titled 'Motion's Fourth and Fifth Law' and Registration No.L-77010/2018 dated 01.08.2018 for the work titled 'Motion's Sixth Law', registered as 'Literary Work'. Subject matter of these registrations, on Defendants' own showing relates to purported inventions concerning engine and mechanical/flow-control apparatus. Basis the registrations, Defendant No.1 had in 2018 issued legal notices to various two-wheeler manufacturers including the Plaintiff *inter alia* calling upon them to stop manufacturing engines, two-wheelers and three-wheelers, allegedly using features from Defendants' registrations, which were copyrighted.

26. It is stated that Defendant No.1 thereafter approached the Chairman/Registrar of Copyrights and filed a formal complaint dated 14.06.2018 under Section 6 of 1957 Act, requesting that Plaintiff, amongst others, be restrained from manufacturing engines using the work under the copyright



but without waiting for the complaint to reach its logical end, Defendant No.1 approached the Allahabad High Court and filed Writ Petition No.33023/2018 for deciding the complaint expeditiously and vide order dated 03.10.2018, the writ petition was disposed of, recording that Defendant No.1 has failed to satisfy the Court that there is any statutory period within which the complaint was required to be decided and granted liberty to pursue his remedy by representation/reminder. Later, another application was filed before the Court to decide the complaint and by order dated 20.02.2019, Allahabad High Court directed Defendant No.1 to file a fresh representation with a further direction to the Copyright Authority to dispose of the same within three weeks. Matter was transferred to IPAB, which dismissed the complaint on 14.09.2020 under Section 6 of 1957 Act as ‘not maintainable’.

27. It is stated that Defendant No.1 then filed Writ Petition No.22403 of 2020 before the Allahabad High Court challenging IPAB’s order dated 14.09.2020 and the writ petition was dismissed on 06.02.2025 holding that a writ petition will not lie to restrain private entities in a matter of copyright and Special Leave Petition No.16823 of 2025 against the said order was dismissed on 04.08.2025.

28. It is stated that in order to identify the particulars of the registrations in favour of the Defendants, Plaintiff requested for and received certified copies of the registrations certificates and found that there were many discrepancies in the same, as detailed in paragraph 17 of the plaint. It was also found that the registrations were co-owned and co-authored by Defendant Nos. 1 to 6 and not solely owned by Defendant No.1, a material fact never disclosed in any earlier proceedings. Despite being unsuccessful



in the earlier litigation, Defendant No.1 sent a cease-and-desist notice dated 13.04.2026 to the Plaintiff predicated on the two registrations *inter alia* calling upon the Plaintiff to cease-and-desist from manufacturing and commercial exploitation of engines and motor vehicles using the works under the copyright and to enter into licensing arrangement and pay past, present and ongoing royalties with interest, to which the Plaintiff responded on 09.06.2026, denying all allegations and characterising the notice as constituting groundless threats of legal proceedings within the meaning of Section 60 of 1957 Act and reserving the right to take recourse to appropriate remedies.

29. It is stated that Plaintiff also conducted searches through the records of the Indian Patent Office, which revealed that Defendants had earlier sought patent protection in respect of the same subject matter as of copyright registration to which objections were raised by the Patent Office in the First Examination Reports ('FERs'). In respect of patent application No.201611012915, Defendants No.1 and 3 failed to respond and the application was abandoned and in respect of patent application No.201711042919 also there was no response from the Defendants and the application was abandoned under Section 21(1) of 1970 Act.

30. Ms. Swathi Sukumar, learned Senior Counsel for the Plaintiff submits that Plaintiff is one of the leading manufacturers in the two-wheelers segment and has garnered immense goodwill and reputation in India besides footprints globally in many jurisdictions such as Africa, Latin & Central America and presently endeavours to deliver its superior products in across 80 countries with over 50 million customers over a period of time. Plaintiff is the recipient of many prestigious awards from 2015 and is widely known



for the superior quality of its goods and services. Defendants are joint owners of two copyright registrations for ‘Motion’s Fourth and Fifth Law’ and ‘Motion’s Sixth Law’ each recorded under the Class ‘Literary Work’. Since 2018, Defendant No.1 has been unsuccessfully pursuing proceedings against the Plaintiff and other manufacturers on the strength of the copyright registrations *albeit* concealing that he is a co-owner and co-author with Defendant Nos. 2 to 6. Patent applications for the same subject matter were abandoned once objections were raised by the Patent Office in the respective FERs. Despite having lost before the Allahabad High Court and IPAB, Defendants have issued the impugned cease-and-desist notice dated 13.04.2026, which amounts to groundless threats of legal proceedings within the meaning of Section 60 of 1957 Act.

31. It is further urged that the copyright registrations in favour of the Defendants are *per se* illegal and an attempt to convert functional invention into a copyrighted ‘Literary Work’ since functional elements, industrial methods and utilitarian concepts fall outside copyright protection. Presumption under Section 48 of 1957 Act attaches only to a registration validly granted and Plaintiff reserves its right to seek rectification before the appropriate authority. Plaintiff manufactures engines and motor vehicles through its own independent research, design and engineering and not by using any expression or element in Defendants’ copyrighted ‘Literary Work’ and it is for this reason that even in the impugned notice, there are no particulars of any alleged copying and no protectable expression is identified. The notice is completely silent on comparison of the rival works and on the face of it is vague and intended to extend unjustified threats to the Plaintiff. The self-acclaimed infringement of copyright by Defendant No.1



has been rejected by IPAB, Allahabad High Court and finally by the Supreme Court and the threats are thus *mala fide* and only intended to harass the Plaintiff, which ought to be restrained.

32. I have heard, Ms. Swathi Sukumar, learned Senior Counsel for the Plaintiff and perused the impugned notice dated 13.04.2026. Present suit has been filed for declaration that the cease-and-desist notice amounts to groundless and unjustified threats within the meaning of Section 60 of 1957 Act amongst other reliefs. It is brought out by the Plaintiff that basis two copyright registrations, Defendant No.1 has been sending legal notices to various two-wheeler manufacturers including the Plaintiff since 2018, compelling them to stop manufacturing the engines, two-wheelers and three-wheelers alleging violation of his copyright. As the documents on record indicate, Defendant No.1 has been unsuccessful in proving his claim of copyright violation right from the Copyright Authority upto the Supreme Court. Patent applications filed for grant of patents for the same subject matter were abandoned on objections being raised by the Patent Office. In a desperate attempt to harass the Plaintiff, as urged by the learned Senior Counsel, Defendants have now sent the impugned cease-and-desist notice. *Prima facie*, Plaintiff is right in pointing out that in the notice, there is only a bold averment that Plaintiff has infringed the copyright and reference is made to the relevant provision of the 1957 Act as also the consequences of non-compliance. There is not a whisper of how the Plaintiff has allegedly infringed the copyright and no comparison of the 'Literary Works' in question has been given. In my *prima facie* view, the impugned notice dated 13.04.2026 constituted groundless threats of legal proceedings under Section 60 of 1957 Act and there is a substantial risk to the immense reputation and



goodwill of the Plaintiff, owing to such threats. Balance of convenience lies in favour of the Plaintiff and if the interim relief sought is not granted, irreparable loss and harm shall be caused to the Plaintiff.

33. Accordingly, till the next date of hearing, Defendants and all others acting on their behalf are restrained from issuing any groundless threats of legal proceedings pertaining to copyright infringement under the 1957 Act against the Plaintiff in respect of Plaintiff's manufacture, sale and commercial exploitation of its engines, two-wheelers and three-wheelers, on the strength of copyright registrations bearing Nos.L-65555/2017 and L-77010/2018.

34. Defendants are directed that they shall give at least seven days' prior written notice to the Plaintiff, at the address set out in the memo of parties of the present suit as also on the e-mail ID of its advocates i.e., smriti.yadav@khaitanco.com and adheesh.nargolkar@khaitanco.com, before initiating any legal proceedings, including any suit for infringement of copyright and/or passing off pertaining to the aforesaid copyright registrations.

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

JYOTI SINGH, J

JULY 23, 2026/RW