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

CNR No. DLHC010399422026

+ **CS(COMM) 936/2026**

CAPITAL FOODS PRIVATE LIMITED

.....Plaintiff

Through: Mr. Dhruv Anand, Mr. Rohil Bansal
and Mr. Chirayu Prahlad, Advocates.

versus

**PATSON FOODS (INDIA) PRIVATE LIMITED
& ANR.**

.....Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **25.08.2026**

I.A. 23256/2026 (Exemption)

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

I.A. 23255/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)

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

I.A. 23257/2026 (for pre-institution mediation)

6. 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.



7. 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.

8. Application is allowed and disposed of.

I.A. 23258/2026 (u/S 149 r/w Section 151 CPC)

9. This application is filed on behalf of the Plaintiff seeking extension of time for filing the requisite Court fee and one-time process fee.

10. Mr. Dhruv Anand, learned counsel for the Plaintiff submits that the requisite Court fee has already been deposited. Process fee shall be paid as per rules.

11. Application stands disposed of as infructuous.

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12. Let plaint be registered as a suit.

13. Issue summons to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 28.09.2026.

14. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the date of receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiff.

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

16. 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.

17. Learned Joint Registrar shall carry out admission/denial of documents and marking of exhibits.

I.A. 23254/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

18. 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.

19. Issue notice to the Defendants through all permissible modes, returnable before Court on 18.01.2027.

20. Case of the Plaintiff as set out in the plaint is that Plaintiff is a leading food company engaged *inter alia* in manufacturing, marketing and retailing in a wide variety of food products and services including sauces, dips, spreads, noodles, dressings, condiments, spices, sauce mixes, soups, pastes and ready-to-eat food preparations for over two decades and was the first to identify and label the unique “Desi Chinese” cuisine, native to India. Plaintiff has been acquired by Tata Consumer Products Limited, an associate company of the TATA Group and focuses on FMCG goods. In its pursuit to make global food available to all, Plaintiff has committed Food Service Providers to world class chefs, restaurants and premium food service establishments and operates specialised state-of-the-art manufacturing facilities in Nashik, Kandla and Vapi. Besides India, Plaintiff has a global footprint spanning USA, Canada, UK, Czech Republic, Netherlands, Poland, Germany, France, Ireland, Dubai, Oman, Qatar, Bahrain, Saudi Arabia, Kuwait, South Africa, Ghana, Nepal, Singapore, Malaysia, Indonesia, Thailand, Australia and New Zealand. Additionally, Plaintiff has an online presence through its website www.capitalfoods.co.in.



21. It is stated that Plaintiff has garnered immense goodwill and reputation in its business ventures, which is reflected in the substantial expenditure incurred in promotion of its products as also revenues generated, details whereof for the year ending 31.03.2025, are as follows:-

Particulars	Amount (in lakhs)
Total revenue	93,417.00
Employee Benefit Expense	3,214.71
Advertisement expenses	6,388.01
Sales promotion expenses	2,263.48
Expenditure towards CSR activities	96.67

22. It is stated that the present suit concerns products sold under Plaintiff's registered trademark SCHEZWAN CHUTNEY, which is a rare, unique and distinct combination of two words drawn from two different languages and has no dictionary meaning. 'Schezwan' is a style of Chinese cooking that is spicy, oily and peppery and 'Chutney' refers to a thick paste. The mark SCHEZWAN CHUTNEY was conceived, coined and adopted by Plaintiff in 2012 in respect of the product Schezwan sauce, which is a hot, spicy and peppery sauce/dip having a proprietary recipe and a taste profile developed after considerable research by the Plaintiff and Plaintiff's

products under said mark *inter alia* include



and



. Since its inception, the mark SCHEZWAN CHUTNEY has been



used continuously, extensively and uninterruptedly by the Plaintiff, resulting in the mark acquiring secondary significance. Products bearing the mark are sold in India and across the globe through both online and offline channels. In order to secure statutory rights, Plaintiff obtained registration of the wordmark SCHEZWAN CHUTNEY as also copyright registration in the



artistic work ,comprised in the product packaging, particulars whereof are as follows:-

TM REGISTRATION DETAILS	PARTICULARS
SCHEZWAN CHUTNEY (Wordmark)	TM Registration no. 2431851 dated 22.11.2012 in Class 30 for Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces, (condiments); spices; ice cream, ice cream powder, snack food, farsan, wafer, biscuits, cakes, chocolates, jam, powder milk, noodles, pasta, pulses, foods seasoning, deserts, papad, ketchup, edible articles for human consumption, masala, squash, fruit juice, chutneys, salad dressings, instant tea, ready to eat, samosas, sauce & soup mixes, entrees.
PARTICULARS	COPYRIGHT REGISTRATION
Copyright Registration No. A-149563/2023 dated 08.12.2023	



23. It is stated that Plaintiff has expended substantial amounts towards promotion and advertisement of its products bearing the trademark SCHEZWAN CHUTNEY and products bearing the mark have been extensively featured in print and electronic media in India and abroad as also in movies and magazines. Details of expenditure from 2012-2013 to 2024-2025 are as follows:-

Year	Promotional & Advertisement Expenditure of the Plaintiff's products bearing the trademark SCHEZWAN CHUTNEY (in INR approx.)
2012-2013	22,65,643
2013-2014	25,28,908
2014-2015	40,05,044
2015-2016	64,95,042
2016-2017	2,65,20,383
2017-2018	10,23,013
2018-2019	1,75,55,192
2019-2020	1,31,42,897
2020-2021	1,86,80,791
2021-2022	12,36,61,937
2022-2023	8,94,60,508
2023-2024	3,67,86,741
2024-2025	15,99,96,745

24. It is stated that Plaintiff's promotional efforts as also its goodwill and reputation have translated into substantial sales turnover, details of which are as follows:-



Year	Turnover of the Plaintiff's products bearing the trademark SCHEZWAN CHUTNEY (in INR Lakhs approx.)
2012-2013	325
2013-2014	1,344
2014-2015	2,681
2015-2016	3,396
2016-2017	4,292
2017-2018	4,991
2018-2019	6,392
2019-2020	8,298
2020-2021	14,137
2021-2022	13,189
2022-2023	17,307
2023-2024	16,797
2024-2025	18,677

25. It is stated that in 2015, Plaintiff signed renowned actor Mr. Ranveer Singh as its brand ambassador, who has featured in several advertising campaigns of the Plaintiff, which had gained over a million views. Additionally, Plaintiff's campaigns have featured other prominent personalities including Mr. Bobby Deol and Ms. Sreeleela, which garnered over 20 million views. Plaintiff's products have also been endorsed by leading chefs such as Mr. Harpal Singh Sokhi and Mr. Ajay Chopra and by celebrities including Ms. Neena Gupta, Ms. Tamannah Bhatia and late Ms. Sridevi. Plaintiff's products were also promoted by the cast of the movie 'Golmaal Again' in 2017 and have been prominently featured in television show 'Bigg Boss' in 2018 as also in 'Bigg Boss Marathi' in 2019.



26. It is stated that as a consequence of such sustained promotion, the trademark SCHEZWAN CHUTNEY has acquired secondary significance and was conferred the ‘Consumer Superbrand’ status by Superbrands India. Plaintiff has an active presence online, through its dedicated website www.chingssecret.com, registered on 07.09.2002 as also social media accounts on various platforms, enjoying a following of 832k on Facebook, 106k on Instagram, 776k subscribers on YouTube and 3k followers on X as on 07.08.2026. Search on Google search engine for the query “who owns Schezwan chutney” immediately shows the name of the Plaintiff, its brand and its holding company as a result. Furthermore, market survey conducted by Plaintiff establishes that products bearing the mark are instantaneously associated with Plaintiff by customers and members of the trade, all of which reflect the secondary status of the trademark and its use as an identifier of the Plaintiff.

27. It is stated that Plaintiff has been vigilant in the enforcement of its Intellectual Property Rights and has initiated law suits and proceedings against several third parties infringing its mark SCHEZWAN CHUTNEY, along with issuing cease-and-desist notices. Division Bench of this Court in ***Capital Foods Private Limited v. Radiant Indus Chem Pvt. Ltd., FAO(OS)(COMM) 16/2023***, vide order dated 25.01.2023 noted that the trademark SCHEZWAN CHUTNEY of Plaintiff has acquired secondary significance and similar view was taken by High Court of Bombay in order dated 01.08.2023 in ***Capital Foods Pvt. Ltd. v. Shri Hari Industries, COM IP (L) No. 20793/2023***.

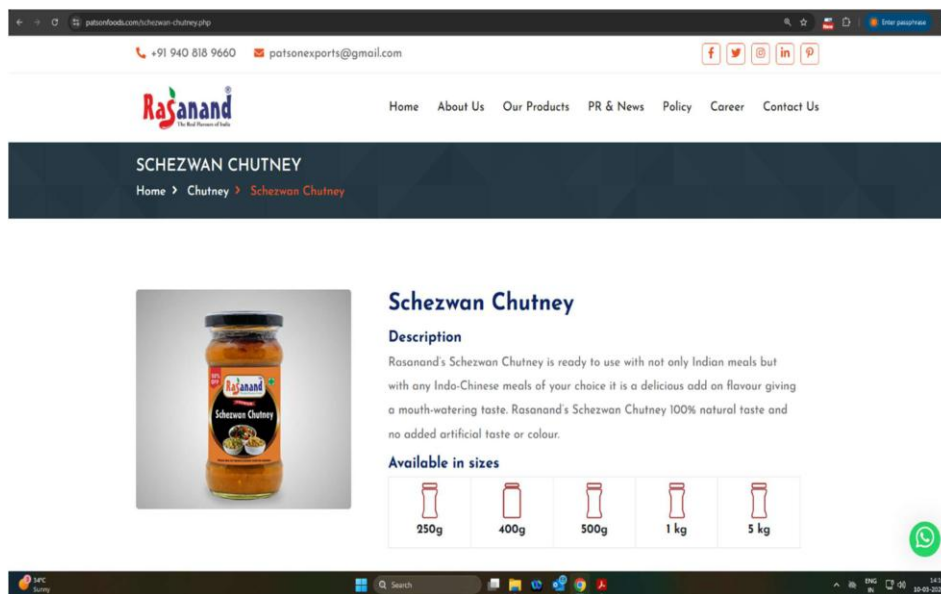
28. It is stated that Defendants No. 1 and 2 form a part of the Patson Group of Companies and as per MCA records, share common directors,



promoters and key personnel. Defendants are jointly engaged in the manufacture, marketing and sale of the impugned products bearing the mark RASANAND SCHEZWAN CHUTNEY across India, including Delhi. Screenshots of Defendants' impugned products are as follows:-



29. It is stated that in and around November, 2025, Plaintiff learnt that Defendant No. 1 was manufacturing and selling the impugned products by unauthorisedly using Plaintiff's registered mark SCHEZWAN CHUTNEY and with a view to resolve the matter amicably, Plaintiff addressed a legal notice dated 18.11.2025 to Defendant No.1, who responded vide email dated 21.11.2025, stating that it had discontinued the impugned product and was no longer manufacturing, marketing or selling the same, further undertaking that it had no intention of using the said mark or any mark identical or deceptively similar thereto in future. However, in and around March, 2026, Plaintiff learnt that Defendant No. 1 was manufacturing and selling the infringing products through its website www.patsonfoods.com, whereupon Plaintiff sent another letter dated 10.03.2026 to cease and desist, but this time there was no response and infringing activities are continuing. Screenshot of the online listing dated 10.03.2026 is extracted as follows:-



30. It is stated that in July, 2026 Plaintiff's investigator placed an order



for purchase of the product through Defendant No.1's website www.patsonfoods.com and on making payment, the impugned product



was delivered at Delhi on 31.07.2026, along with a tax invoice issued by Defendant No. 2.

31. Learned counsel for the Plaintiff submits that Defendants have intentionally and *mala fide* adopted Plaintiff's registered trademark SCHEZWAN CHUTNEY for identical product and use of mark Rasanand is



insufficient to distinguish the goods applying the test of a purchaser of average intelligence and imperfect recollection. The trade channels and consumer base being common and looking to the immense reputation and goodwill of the plaintiff, there is every likelihood of confusion amongst members of public. Use of the trademark SCHEZWAN CHUTNEY by the Defendants, amounts to infringement under section 29 of the Trade Marks Act, 1999.

32. It is urged that Defendants are fully aware of Plaintiff's rights, having acknowledged the same in their response to the earlier notice and yet they have adopted the mark SCHEZWAN CHUTNEY and the dishonest intention is further evident from the fact that the mark of the plaintiff is being used prominently while their own mark Rasanand is placed a smaller font. The intent is only to ride on the formidable goodwill and reputation of the plaintiff by misrepresenting to the public that the product of the defendants emanates from the plaintiff or has some association or nexus. This is causing irreparable harm and injury to the goodwill and reputation of the plaintiff and amounts to passing off. Plaintiff exercises no control whatsoever over the quality of the impugned goods and in the event of any adverse impact on the health of any consumer, the goodwill of Plaintiff shall be eroded and the distinctiveness of the SCHEZWAN CHUTNEY mark will stand diluted.

33. Having heard learned counsel for the Plaintiff, I am of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte* ad interim injunction against the Defendants. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

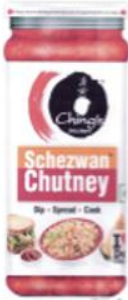


34. Plaintiff is the registered proprietor of the wordmark SCHEZWAN CHUTNEY under registration no. 2431851 in Class 30 dating back to 22.11.2012 and also holds copyright registration no. A-149563/2023 in the



artistic work comprised in the packaging of its product. The registration is valid and subsisting. The substantial sales turnover and the promotional expenses incurred by the Plaintiff in promotion of the product under the mark SCHEZWAN CHUTNEY, are both reflective of the formidable goodwill and reputation earned by Plaintiff in the mark for over more than a decade of continuous use. Defendants have dishonestly adopted a mark, which is identical and not merely deceptively similar to the registered mark of Plaintiff in relation to identical goods and use of the mark Rasanand in smaller font is insufficient to distinguish the rival products. Defendant No. 1 expressly acknowledged the proprietary right of the Plaintiff in the mark and undertook to cease its use, but contrary thereto is continuing to use the mark. The intent is to represent to the public that Defendants' product has an association with the Plaintiff and thereby pass off their goods for unlawful monetary gains. This is causing irreparable harm and injury to the goodwill and reputation of the Plaintiff. Defendants are *prima facie* infringing the SCHEZWAN CHUTNEY mark of the Plaintiff and also passing off their goods. For ready reference, comparative of the rival products bearing the rival trademarks is as follows:-



PLAINTIFF'S PRODUCT	DEFENDANTS' IMPUGNED PRODUCT
   	 

35. Accordingly, till the next date of hearing, Defendants and all others acting on their behalf are restrained from directly or indirectly, selling or marketing or offering for sale the impugned products under the mark



RASANAND SCHEZWAN CHUTNEY i.e. / and/or any product bearing the mark SCHEZWAN CHUTNEY and/or from using any other mark identical or deceptively similar to Plaintiff's registered mark SCHEZWAN CHUTNEY, amounting to infringement and/or passing off.

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

JYOTI SINGH, J

AUGUST 25, 2026/YA