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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 25814 OF 2026
IN
COMM INTELLECTUAL PROPERTY RIGHT SUIT (L) NO. 25682 OF
2026

Asian Paints Limited

... Plaintiff

VERSUS

Deepak Kumar Panwar

...Defendant

PRACHI
PRANESH
NANDIWADEKAR

Digitally signed
by PRACHI
PRANESH
NANDIWADEKAR
Date: 2026.09.01
17:51:32 +0530

Mr. Hiren Kamod a/w Ms. Niyati Davawala, Mr. Anil Shete, Ms. Chandrika Devda, Ms. Stuti Thakar i/b Davawala & Co., for the Plaintiff.

Ms. S. S. Chipkar, Master (Adm.), Office of the Court Receiver.

CORAM : MADHAV J. JAMDAR, J.
DATED : 31 AUGUST 2026

P.C.:

1. Heard Mr. Hiren Kamod, learned Counsel appearing for the Plaintiff. He submits that while executing order dated 4 August 2026 passed by this Court on behalf of the Defendant, certain persons have obstructed the Additional Special Receiver. He submits that the goods with impugned packaging/trade dress were found by the Additional Special Receiver and for the malafide purpose certain persons including brother of the Defendant objected the Additional Special Receiver in implementing the order dated 4 August 2026 passed by this Court. It is

therefore submitted that before the Defendant removes the impugned goods from the subject premises, it is necessary to take the subject premises into possession of the Court Receiver, at this stage, so that directions in furtherance of the ad-interim relief already granted can be passed. Learned Counsel submits that obstructing the Additional Special Receiver in implementing the order passed by this Court amounts to committing contempt of the Court.

2. This Court passed the following order on 4 August 2026 which reads as under :-

“1. Mr. Hiren Kamod, learned counsel appearing for the Plaintiff submits that, in Paragraph No. 54 of the plaint, reasons are set out for seeking *ex parte* ad-interim relief. He states that, as the Leave Petition is filed at this stage, the Applicant / Plaintiff shall restrict the ad-interim relief in terms of prayer clause (a), (b) and (d) and after obtaining leave, will move for ad-interim relief in terms of other prayer clauses.

2. The Plaintiff has set out the following contentions in the plaint:-

(i) The Plaintiff is a globally well-known and a leading Indian Multi-National Company with operations in over 23 countries around the world. The Plaintiff has been established in 1942 and has premier business house which is engaged *inter alia* in the business of manufacturing and marketing of paints, emulsions, lacquers, varnishes, wall and wood fillers (putties), undercoats for paint in the form of primers, preservatives used to prevent rust and deterioration of wood, thinners, distempers, dry colours, colouring matter, dye stuffs, mordants, natural resins, metal in foil and powder form for painters, decorators and industrial use.

(ii) The Plaintiff is using the trade name and trade mark ‘ASIAN PAINTS’ since at least 1952 in respect of various goods and services including paints. The details of the relevant trademark for the product apex, which is being used by the plaintiff since 1995, ULTIMA / APEX ULTIMA, which is being used since 2004 and another mark of the plaintiff, ace, which has been used since the year 1999, are set out in the plaint in paragraph no. 10 to 37.

(iii) The details of the registered trade mark ('APEX') relevant for the purpose of this present suit are set out at Sr. Nos.1, 3 and 4 in the table contained in Paragraph No. 14, which is reproduced hereinbelow:-

Sr. No.	Registration No	Trade Mark	Class	Status
1.	857108		02	Registered
3.	3692138		02	Registered
4.	4930048		02	Registered

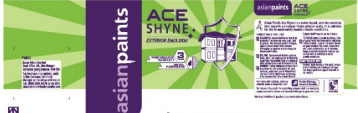
(iv) The sales figures of the product of the Plaintiff being marketed in said trade marked Apex are set out in Paragraph No. 18. The sales figures and promotional expenses for the financial years 1994-1995 to 2025-2026 are set out in Paragraph No. 18. For the purpose of reference, the sales figures for last three years i.e. for the Financial Year 2023-2024 to 2025-2026 are set out hereinbelow:-

2023-2024	71,20,33,23,800	49,80,79,980
2024-2025	68,86,97,29,947	70,50,13,397
2025-2026 (YTD-January)	30,32,04,39,346	45,49,07,395

(v) As far as the trademark ULTIMA / APEX ULTIMA, the details of the registration are set out in paragraph 23. The details of the sales figures for the Financial Year 2023-2024 to 2025-2026 are set out hereinbelow:-

2023-2024	178100	*
2024-2025	154300	*
2025-2026	146900	*

(vi) As far as the Plaintiffs' trade mark 'ACE' is concerned, the relevant details are set out at Sr. Nos. 5 and 6 of the table mentioned in Paragraph No. 30, which is reproduced hereinbelow:-

5	4319714		02	Registered
6	4317953		02	Registered

(vii) Sales figures for the Financial Year 2018-2019 to 2026-2027 are set out in tabular form in para 34. The sales figures for last three financial years are set out hereinbelow:-

Year	Gross Sales (in lakhs)
2024-2025	2,19,60,93,516
2025-2026	2,27,37,38,619
2026-2027 (YTD July 2026)	70,90,98,135

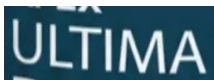
(viii) It is contended in the plaint that, in or about the second week of July 2026, the Plaintiffs' investigating officer found that Defendant is engaged in the same business and have blatantly copied the Plaintiffs' trademarks and are selling the same products. The details of the comparison of Plaintiffs' trademark, packages and trade dresses with the Defendants' packaging are set out in tabular form in Paragraph No. 42, which is reproduced hereinbelow and reads as under:-

Plaintiffs' trade marks/ packagings/ trade dresses	Defendant's impugned marks/ packagings/ trade dresses
	

		
1.	The Plaintiff's product is sold in a white plastic paint bucket bearing a distinctive label comprising a purple vertical strip on the left and a green artistic display panel.	The Defendant has adopted an almost identical overall label architecture comprising a white paint bucket with a purple vertical strip and a green artistic display panel.
2.	The Plaintiff prominently features a vertical purple strip on the left side bearing the brand name in vertical orientation.	The Defendant has identically adopted a vertical purple strip on the left side with its brand name displayed vertically.
3.	The Plaintiff employs a distinctive combination of turquoise, green and white colours with a radial sunburst background emanating across the label.	The Defendant has adopted substantially the same green and turquoise colour palette with an identical radial sunburst background.
4.	The Plaintiff's product name appears prominently in the upper-left portion of the label with a descriptive expression immediately below it.	The Defendant has adopted the same placement for its product name and descriptive expression.
5.	The Plaintiff prominently displays a modern residential building enclosed within a white geometric frame on the right side of the label.	The Defendant likewise displays a modern residential building enclosed within a similar white geometric frame on the right side.

6.	The Plaintiff's label contains three circular feature icons arranged vertically between the product name and the building image.	The Defendant has similarly adopted three circular feature icons in the same location and arrangement.
7.	The Plaintiff's label follows a distinctive arrangement comprising the vertical brand strip, product name, feature icons, framed building image and product claims.	The Defendant has replicated the same sequence and positioning of the principal design elements.
8.	The Plaintiff uses prominent product benefit claims and premium artistic presentation to enhance consumer appeal.	The Defendant similarly displays product benefit claims using the same style and placement.
9.	The Plaintiff's label adopts a modern, premium architectural theme with coordinated colours, typography and graphics.	The Defendant has reproduced the same artistic theme, colour balance and design concept.
10.	The Plaintiff's label constitutes a distinctive trade dress associated with the Plaintiff and its products.	The Defendant has copied the essential and memorable features of the Plaintiff's trade dress in combination.
		
1.	The Plaintiff's product is sold in a white plastic paint bucket bearing	The Defendant has adopted a substantially similar overall label

	a distinctive label comprising a vertical purple side strip, a green display panel, product name, central artwork and feature claims.	architecture on a white plastic paint bucket with a vertical purple side strip, green display panel, product name, central artwork and feature claims.
2.	The Plaintiff prominently features a vertical purple strip on the extreme left side carrying the brand name in white lettering displayed vertically.	The Defendant has likewise adopted a vertical purple strip on the extreme left side carrying its brand name in white lettering displayed vertically.
3.	The Plaintiff employs a distinctive lime-green and light-green colour scheme with bold radial sunburst rays extending across the label.	The Defendant has adopted an almost identical lime-green and dark/light green radial sunburst background extending across the label.
4.	The Plaintiff's product name ("ACE SHYNE") is prominently displayed in the upper-left portion of the label with the descriptive words ("EXTERIOR EMULSION") immediately below it.	The Defendant's product name ("ULTIMATE") is likewise prominently displayed in the upper-left portion with the descriptive words ("INTERIOR EMULSION") immediately below it.
5.	The Plaintiff prominently displays a large central graphic (a house device within a shield) occupying the right-hand portion of the label.	The Defendant prominently displays a large framed interior/home image occupying the same right-hand portion of the label.
6.	The Plaintiff's label follows a distinctive arrangement comprising the vertical brand strip, product name, central artwork and feature claims arranged in a balanced composition.	The Defendant has adopted substantially the same arrangement of the principal visual elements in corresponding positions.
7.	The Plaintiff displays product performance claims prominently in the lower portion of the label through graphical devices and numerical indicators.	The Defendant similarly displays product benefit claims such as "Extra Beauty", "Extra Coverage" and other promotional features along the lower portion of the label.
8.	The Plaintiff uses bold uppercase typography, contrasting colours	The Defendant similarly employs bold uppercase typography,

	and modern graphics to create a premium architectural appearance.	contrasting colours and a modern graphic presentation to create a comparable premium appearance.
9.	The Plaintiff's label combines the purple vertical strip, green radial background, upper-left product name and centrally positioned home-related graphic into a distinctive trade dress.	The Defendant has adopted substantially the same combination of essential visual features with only minor changes to the individual artwork.
10.	The Plaintiff's label has acquired distinctiveness and serves as a source identifier associated exclusively with the Plaintiff.	The Defendant has reproduced the essential, distinctive and memorable features of the Plaintiff's trade dress in combination.
ULTIMA 		ULTIMATE 
APEX		AFEX

3. Perusal of the above table clearly shows that the Defendant has blatantly copied the impugned marks as well as all the essential and memorable features of the Plaintiffs' artistic packages and trade dresses, including, but not limited to, the colour scheme, layout, style and get-up.

4. It is apparent that the impugned packaging and trade dresses are reproductions of the Plaintiffs' artistic packages - trade dresses. Thus, a very strong *prima facie* case is made out. The reasons set out in Paragraph No. 54 are sufficient for granting *ex parte* ad-interim injunction.

5. Accordingly, *ex parte* ad-interim injunction is granted in terms of prayer clause (a), (b) and (d), which reads as under.

“a) pending the hearing and final disposal of the suit, the Defendants, directly or indirectly, by himself, his concerns, firms, partners, servants, employees, agents, dealers, distributors and all persons claiming under him be restrained by a temporary order and injunction of this Hon'ble Court from using or causing to be used the impugned packagings/ trade dresses appended at Exhibits E-1 and E-2 to the Plaint or any other packaging/ trade dress identical or similar to the Plaintiffs said artistic packagings/ trade dresses appended at Exhibits B-4 and D-4 to the Plaint in relation to the impugned goods or any goods or in any manner from manufacturing, marketing or offering for

sale, advertising or dealing in any goods bearing the impugned packagings/ trade dresses appended at Exhibits E-1 and E-2 to the Plaint or any other packaging/ trade dress identical or similar to the Plaintiff's said artistic packagings/ trade dresses appended at Exhibits B-4 and D-4 to the Plaint so as to infringe the Plaintiffs' copyright subsisting in the said artistic packagings/ trade dresses;

b) pending the hearing and final disposal of the suit, the Defendant, directly or indirectly, by himself, his concerns, firms, partners, servants, employees, agents, dealers, distributors and all persons claiming under him be restrained by a temporary order and injunction of this Hon'ble Court from using or causing to be used the impugned marks or any other marks/labels which are identical or deceptively similar to the Plaintiffs i) Apex registered trademarks; ii) Ultima registered trademarks and iii) Ace registered label marks in relation to the impugned goods or any goods or in any manner from manufacturing, marketing or offering for sale, advertising or dealing in any goods bearing the impugned marks or any other mark which is identical or similar to the Plaintiffs said registered trademarks so as to infringe the Plaintiffs i) Apex registered trademarks listed at Exhibit B-2 to the Plaint; ii) Ultima registered trademarks listed at Exhibit C-2 to the Plaint; iii) Ace registered label mark listed at Exhibit D-2 to the Plaint all in class 02;"

"d) pending the hearing and final disposal of the suit, the Court Receiver, High Court, Bombay or such fit and proper person as this Hon'ble Court may deem fit and proper be appointed Receiver with all power under Order XL Rule 1 and Order XXXIX Rule 7 of the Code of Civil Procedure, 1908 to attend and search the Defendant's premises at the address mentioned in the cause title as well as other warehouses and / or the premises of any partner, dealer, manufacturer, distributor, retailer, agent, licensee, shop etc. at any time of the day or night (including before or after business hours, and on weekends, public holidays and Court holidays) and to make an inventory, seize and take possession I custody of impugned goods and any signage, boards, banners, hoardings, advertisement materials, books of account and other records, invoices, promotional materials, packaging material, stationery, labels, stickers or any other material bearing the impugned marks and/or impugned packagings/ trade dresses or any other mark or packaging/ trade dress identical or similar to the Plaintiffs said trademarks and said artistic packagings/ trade dresses and the Defendant, directly or indirectly, by itself, his concerns, firms, partners, servants, employees, agents, dealers, distributors and all persons claiming under him, be ordered and directed to deliver up all of the aforesaid to the Court Receiver or to

such other fit and proper person as this Hon'ble Court thinks fit. It is further submitted that the Court Receiver be entitled to avail immediate, effective and adequate police assistance, protection and support from the concerned Commissioner of Police, Superintendent of Police, Deputy Commissioner of Police, Station House Officer and all local police authorities having jurisdiction (if required) at no costs, in carrying out the orders of this Hon'ble Court. It is further submitted that the Court Receiver be entitled to break open any locks at the premises of the Defendant at any time for the purpose of implementing the orders of this Hon'ble Court as sought hereinabove;"

6. The Court Receiver, High Court of Bombay is appointed with the following powers and directions, viz.,:

- (a) All powers under Order XL Rule 1 and Order XXXIX Rule 7 of the Code of Civil Procedure, 1908 except the power of sale.
- (b) A direction to visit and search all premises of Defendant, forcibly breaking open locks if necessary; and also, where necessary, with police assistance.
- (c) A direction to seize and seal in the Defendant's premises all the offending material, including cartons, dyes, moulds, printing equipment and other material of all description that carry the impugned mark or label.
- (d) A direction to make an inventory of all the material, equipment, etc.

7. For the effective, expeditious and practical implementation of this order, there is need of appointment of Additional Special Receivers since the Defendant is located in Uttar Pradesh.

(a) The Advocate for Plaintiff has given the name of Advocate who can be appointed as an Additional Special Court Receivers to assist the Court Receiver attached to this Court.

(b) Advocate Deepak Khandelwal is appointed as Additional Special Receivers to execute this order. The contact details of the Additional Special Receivers are as under:

- 1. **Name: Deepak Khandelwal**
Bar Counsel Enrolment No. D/6765/2020
Email ID: adv.deepak@outlook.in

(c) The fees of Additional Special Receiver for executing this commission is fixed at Rs.35,000/- per day or part thereof. These fees will be paid by the Plaintiff in the First instance, but the Plaintiff is at liberty to seek these costs at the Final hearing of suit.

(d) It is clarified that the Court Receiver, High Court of Bombay also stands appointed and that the appointment of Advocate Deepak Khandelwal is only for convenience.

(e) The Additional Special Receivers will submit its report by email to the office of Court Receiver, High Court of Bombay at its email id: crcvr-bhc@nic.in.

(f) Execution and implementation of the order:

i. The Additional Special Receivers are empowered and authorized, acting on copy of this order, to take the assistance of the local police authorities in the execution of this commission.

ii. The concerned police authorities are directed to act on production of a copy of this order.

iii. The Court Receiver will issue the necessary letters of authority to enable the local police to act.

iv. The Additional Special Receivers are directed to seize and seal all infringing goods bearing the impugned trade mark/label and make inventory of such seized goods.

v. The Additional Special Receivers may, if necessary, break open any locks with the assistance of police.

vi. The Additional Special Receivers may visit each of the locations of the Defendant and any other additional addresses of the Defendant as may be pointed out by the Plaintiff's representative and to seize and seal all infringing products of the Defendant.

vii. These products will be retained in the Defendants' premises for the present.

8. This order is not to be uploaded until the Court Receiver, High Court of Bombay and the Additional Special Receiver execute their commission as above.

9. The Plaintiff will comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 within 14 days of the Court Receiver and Additional Special Receivers completing/ executing their commission as directed by this order. The Advocates for the Plaintiff will lodge a copy of this order with the office of the Court Receiver within seven days of such copy being made available. Upon the same being lodged with the Court Receiver, compliance with Rule 596 of the Bombay High Court (Original Side) Rules, 1980 is dispensed with.

10. The Additional Special Receivers will submit their reports by email to the

office of Court Receiver, High Court of Bombay by **8th September 2026**.

11. The Court Receiver, High Court of Bombay will submit a report to the Court on or before **15th September 2026**.

12. Stand over to **22nd September 2026**.

13. Ad-interim relief granted to continue till the next date.

14. All concerned to act upon true copy of this order signed by the Personal Assistant of this Court.”

3. At this stage only it is required to be noted that as the apprehension has been expressed that the defendant would not keep the impugned goods in the defendant’s factory/premises and, therefore, it was directed that the said order dated 4 August 2026 would be uploaded only after the Court Receiver, High Court, Bombay and Additional Special Receiver execute the said order.

4. Pursuant to said order dated 4th August 2026, the Additional Special Receiver Mr. Deepak Khandelwal, Advocate visited the subject premises of the Defendant along with the officer of the local police station namely Nandgram Police Station, Ghaziabad, Uttar Pradesh. However, Mr. Deepak Khandelwal, Advocate who has been appointed as a Additional Special Receiver has submitted report to the Court Receiver stating that when he tried to execute the order of this Court, he has been prevented by one Mr. Amit Panwar, who stated that he is an advocate and brother of the defendant. The report records that said Mr.

Amit Panwar came alongwith approximately 10 persons and prevented the Additional Special Receiver from implementing the order of the Court. The said report of the Additional Special Receiver is reproduced hereinbelow for ready reference:-

“Respected Sir,

1. I submit my report in compliance of the order dated 04/08/2026, passed by HMJ Madhav J. Jamadar in the matter titled Asian Paints Limited v. Deepak Kumar Panwar, Interim Application (L) No. 25814/2026 in Commercial IP Suit (L) No. 25682 of 2026, whereby I, Deepak Khandelwal, Adv. (D/6765/2020) have been appointed as an Additional Special Receiver, High Court of Bombay to execute the aforesaid order in terms of Paragraphs No. 5(d), 6 and 7 of the aforesaid order.

2. As per the directions of the Hon'ble Court to execute the order, I along with the Representatives of the Plaintiff, Mr. Ankit Shukla, Mr. Keshav Patel and Mr. Ajeet Kumar visited Sihani Gate police station, Ghaziabad on 25/08/2026. Upon reaching there, we met with Mr. Feroz Akthar, SI and apprised him of the purpose of our visit. He after understanding the same, asked us to wait for the SHO. Accordingly, we waited for the SHO and at/around 11:36 AM, I spoke to the SHO, Mr. Rajkumar Giri (M. No. 9643322919) over the phone. He after understanding the purpose of our visit asked us to wait for some time and his arrival at the police station.

3. Accordingly, at/around, 12:15 PM, the SHO arrived at the police station and we had a meeting with him. After perusing the order and SHO Letter, he directed the concerned official to verify the jurisdiction and provide us the necessary police assistance thereafter. **The concerned official after verifying the address of the Defendant, informed that the location of the Defendant falls under the jurisdiction of Nandgram police station and not under Sihani Gate police station.** It is pertinent to mention herein that there was some confusion regarding the jurisdiction, as the road itself forms the dividing point between the jurisdictions of two different police stations. The premises on one side of the road falls under one Sihani Gate police station, while the premises on the other side falls under the jurisdiction of Nandgram police station.

4. Accordingly, we visited Nandgram police station. After reaching there, we met, Mr. Md. Ikram Khan, SSI at around 01:00 PM. I briefed

him with the purpose of our visit. He after understanding same and verifying the location of the Defendant in order to execute the aforesaid order at the premises of Defendant asked us to visit Sihani Chungi police outpost. He directed the in-charge to provide us with the police assistance after verifying.

5. Thereafter, we reached Sihani Chungi police outpost and met Mr. Surya Prakash SI, the ad-hoc in-charge of the police outpost. I explained him with the purpose of the visit. **He after clarifying his doubts, provided us with the police assistance comprising of Mr. Anurag Dwivedi SI, Mr. Vivek Sirohi, CT and Mr. Saurabh Rajora, CT.**

6. Subsequently, at/around, 01:30 PM, I alongwith the AR of the Plaintiff and police officials left for the location of the Defendant.

7. At/around 02:03 PM, we reached the location/ address of the Defendant, situated at Akshay Paints Industries, situated at Khasra No. 1177, Shed No. 3, Sihani Baba Nagar, Meerut Road, Ghaziabad, U.P – 201001. Upon reaching there, we met with person namely, Mr. Deepak Giri, S/o Raju Giri, R/o Shahpur, Ghaziabad. He informed that he is working as a labour at the factory of the Defendant. Upon enquiry, he informed that owner of the factory is Mr. Deepak Kumar Panwar, the defendant in the present case.

8. Upon further enquiry, he informed that the owner of the factory is not present and is out of town. Upon asking for his mobile number, he provided me with the mobile number, viz., 9717855802. **I spoke on the said mobile number, he informed himself as Adv. Amit Panwar a member of Ghaziabad Bar Association.**

9. **He stated that he is the brother of the owner, i.e., Defendant and the Defendant is out of station.** I briefed him with the purpose of the visit and explained him with Court's order. He understood the same. I asked him that either he has to visit the location or ask someone i.e., Representative of the Defendant to visit. He assured that he shall be reaching the location in a while.

10. That it is imperative to mention herein that **before the arrival of Adv. Amit Panwar and others, with the assistance of the Defendant's employee/ labourer, namely, Mr. Deepak Giri, I, along with the representatives of the Plaintiff and the police officials, inspected the premises of the Defendant. The premises comprised one factory rescinding of two large spaces, one situated within the other, wherein putty bags and various machineries were kept. Upon inspection of the said premises, and as pointed out by the representatives of the Plaintiff,**

I found the impugned products, i.e., empty sacks bearing the mark "ULTIMATE".

11. That upon further inspection of the premises, we found an office wherein newly printed stickers/ labels bearing the impugned marks, namely, "ULTIMATE", "ULTIMATE INTERIOR EMULSION" and "ULTIMATE ACRYLIC DISTEMPER", were found. Inside the said office, there was a separate room wherein newly printed empty buckets bearing the mark "ULTIMATE ACRYLIC DISTEMPER", empty sacks bearing the mark "AFEX", and certain empty unprinted buckets were found and kept.

12. Accordingly, at around 03:00 PM, Mr. Amit Panwar along with approximately ten (10) others, visited the premises of the Defendant and stated that they are advocates representing the Defendant. I explained them with the purpose of my visit and clarified their doubts and questions. I also handed over a copy of the order to him.

13. That Mr. Amit Panwar, brother of the Defendant, along with another person who introduced himself as "Adv. Amit" and others present with them, raised several questions concerning the authenticity and validity of the order passed by this Hon'ble Court. They, inter alia, raised the following queries:

- (i) Why no notice had been issued by this Hon'ble Court to the Defendant prior to passing of the said order;
- (ii) Why the said order had not been uploaded on the official website of this Hon'ble Court;
- (iii) Why the said order was not signed by the Hon'ble Judge;
- (iv) The order did not expressly empower me to seize any of the products; and
- (v) They also started shouting at me, using derogatory and objectionable language, and questioning my authority by repeatedly asking, inter alia, as to who had empowered me to enter the premises of the Defendant.
- (vi) They further alleged that the order passed by this Hon'ble Court was forged and that the action being undertaken by me pursuant thereto was fraudulent and not genuine.

14. That I remained calm and patiently heard all the questions and objections raised by them and duly responded to each of the queries raised by them. For their better understanding and to dispel any apprehension regarding the authenticity of the proceedings, I also showed them the status of the present case as reflected on the official website of this Hon'ble Court.

15. That initially, the aforesaid persons appeared to have understood the contents and purport of the order passed by this Hon'ble Court. However, despite having understood the order, they repeatedly insisted that I should not seize the impugned materials and instead record in my report that no impugned products, as specified in the order of this Hon'ble Court, were found at the premises. I categorically declined to make any such false or incorrect statement in my report and informed them that I was duty-bound to execute the order of this Hon'ble Court strictly in accordance with its terms and to submit an accurate and truthful report regarding the execution thereof.

16. That upon my refusal to comply with their unlawful demand, they obstructed and resisted the execution of the order and directed me and the representative of the Plaintiff to immediately leave the premises. They further threatened that in the event we did not leave the premises, they would initiate false and frivolous proceedings against us and unnecessarily drag me and the representative of the Plaintiff before the Courts at Ghaziabad.

17. It is pertinent to mention herein that their conduct was intimidating and obstructive, and appeared to be intended to prevent and interfere with the lawful execution of the order passed by this Hon'ble Court. They once again raised their voices and used derogatory and objectionable language towards us, despite our repeated efforts to maintain peace and proceed with the execution of the order in a lawful and orderly manner.

18. That it is pertinent to mention herein that the representatives of the Plaintiff, who were present at the premises, were attempting to photograph and videograph the entire proceedings and the incidents occurring at the site for the purposes of maintaining a record thereof. However, during the course of the proceedings, the said persons forcibly took possession of the mobile phones of two of the representatives of the Plaintiff and, through the intervention of the police officials present at the site, deleted the photographs and videographs recorded therein. The said persons thereafter retained the mobile phones and returned the same only after prolonged discussions and arguments.

19. That it is further pertinent to mention herein that during the course of the execution proceedings, the situation at the premises became highly tense and argumentative, and a physical scuffle and pushing and shoving ("dhakka-mukki") also took place between the persons present at the site. The aforesaid persons, while resisting and obstructing the execution of the order passed by this Hon'ble Court, acted in an aggressive and intimidating manner, resulting in physical

altercation with the Representative of the Plaintiff and disturbance at the premises.

20. That thereafter, I once again explained to them the contents, and scope of the order passed by this Hon'ble Court and the manner in which the same was required to be executed. **Upon the same being explained, they agreed to permit the execution of the order, subject to the condition that I should specifically mention in my report that the impugned products bearing the impugned marks had not been in commercial use for the preceding six (6) months.** I informed them that I was not in a position to make any statement of fact on their behalf, however, I agreed to record their disclosure/ statement, if made, in the course of the proceedings. Accordingly, I stated that I could record in my report as follows: "Upon enquiry, the AR of the Defendant stated that the impugned marks mentioned in the order have not been in commercial use for the last six (6) months."

21. That thereafter, they further insisted that the quantity of the impugned products/materials found at the premises be recorded as being less than the actual quantity available at the site. I categorically denied to make any such incorrect or misleading statement in my report. However, I agreed to record their statements and disclosures, insofar as they related to the alleged non-commercial usage of the impugned marks. **I further requested them to produce the relevant invoices. However, they refused to provide or produce any such invoices or supporting documents. They again started shouting at me and putting forth allegations against me. I categorically, asked them if they do not want me to execute the order, I will simply move from the premises and will submit my report before the Court accordingly.**

22. After a subsequent round of discussion, the aforesaid persons sought further clarification from me as to whether their appearance before this Hon'ble Court was required to be in person or could be made through video conferencing. They further sought clarification regarding the manner in which the present proceedings could be addressed and the possibility and procedure for settlement of the dispute. I explained to them that in the event they intended to contest the proceedings, they may appear before this Hon'ble Court and place their defence and submissions on record in accordance with law. I further informed them that if they were desirous of exploring an amicable settlement, they could approach the counsel for the Plaintiff whose particulars are mentioned in the Plaint. I made it clear that any such course of action would be subject to the orders and directions of this Hon'ble Court and the applicable procedure in law.

23. That after detailed discussion and explanation of the contents of the order passed by this Hon'ble Court, the aforesaid persons ultimately asked me to proceed with the execution of the order. Accordingly, I commenced the process of searching, identifying and counting the impugned materials found at the premises. During the course of the said proceedings, the representative of the Plaintiff requested my assistance in serving a copy of the Plaint and other relevant documents upon the representatives of the Defendant.

24. That when the said documents were sought to be served, the representative of the Defendant refused to sign the acknowledgment or otherwise provide any receiving on the letter issued by counsel for the Plaintiff. I explained to them of the said requirements. Despite the said explanation, they expressly refused to provide any acknowledgment or receiving.

25. Thereafter, the Authorized Representative of the Plaintiff and I again requested them to acknowledge receipt of the documents either by signing the acknowledgment/letter or, alternatively, by providing their receiving on a plain sheet of paper or on the execution report itself. The persons who had introduced themselves as lawyers thereafter, stated that they would not be giving receiving on memo or the report and asked the labourer/employee present at the premises to provide the requisite receiving; however, he too refused to do so.

26. I thereafter clearly informed them that if they were unwilling to provide any acknowledgment of receipt and did not wish to permit or cooperate with the execution of the order passed by this Hon'ble Court, I would have no option but to discontinue the execution proceedings and leave the premises, recording the fact of their non-cooperation and refusal in my report to be submitted before this Hon'ble Court. I further made it clear that the report would accurately record the events and conduct witnessed during the execution proceedings.

27. That after a further heated discussion, the Defendant and the persons present on his behalf stated that they would not permit us to execute the order of this Hon'ble Court. Thereafter, SI Mr. Anurag Dwivedi, after assessing the situation, spoke to the SHO, Nandgram, who directed all of us to retreat from the premises and proceed to the police station. He also directed the lawyers and representatives of the Defendant to visit the Police Station. I informed SI Mr. Anurag Dwivedi that leaving the premises could enable the Defendant to remove the impugned materials. However, he directed us to proceed to the police station.

28. Accordingly, having no other option, I along with the police officials and Representatives of the Plaintiff left the premises and reached Nandgram police station 03:45 pm. Upon reaching there, it was ascertained that none of the representatives of the Plaintiff reached the police station. Accordingly, basis the directions of the police officials, at around 04:07 PM, I spoke to Mr. Amit Panwar wherein he informed that he will not be able to visit the police station at that time and will visit subsequently after 05:30 pm. Accordingly, we met with the SHO and the SSI and explained them with the orders and the situation arose at the premises of the Defendant during the execution. The SHO asked us to visit Sihani Chungi police outpost and directed Mr. Vivek Sirohi, CT and Mr. Saurabh Rajora, CT to accompany us.

29. Thereafter, we visited Sihani Chungi police chowki and met Mr. Surya Prakash SI, the ad-hoc in-charge and explained him the situation arose during the execution. He thereafter, spoke to Mr. Amit Panwar and asked him to visit the police outpost to which he stated that he will not be able to visit before 05:30 PM.

30. I again spoke to Mr. Amit Panwar at 04:41 PM and 05:19 PM asking him to cooperate in execution of the order of the Hon'ble Court to which he kept stating that he would let me know in some time regarding execution. After waiting till 05:30 PM, we left the police station.

31. At/around 06:03 pm and subsequently at 08:43 PM, I received phone calls from Mr. Amit Panwar wherein he sought the soft copy of the order passed by the Hon'ble Court and questioned the authenticity of the court order. I once again explained him the Court's order. He stated that the order is not reflecting on the website of the Court. I explained him that the same will be uploaded after execution of the Court's order.

32. Thereafter, I received several WhatsApp messages from him asking me to visit the premises. I did not respond to any of the said messages. Subsequently, on 26.08.2026 at about 01:07 PM, **I again spoke to him over the phone and categorically stated that I would visit the premises for execution of the order only if the impugned products were kept at the premises in the same condition and position as they were found during my earlier visit.** Initially, he stated that he would let me know and thereafter informed me that the factory was closed for the day and asked me to visit on 27.08.2026. However, he did not provide any assurance that the impugned products would remain at the premises in the same condition and position as during my earlier visit and only conveyed that he will call back and confirm me the same. However, I did not receive any further calls till the submissions of this

report. I only received a whatsapp message in the night from him. All whatsapp messages and call history is enclosed herewith the report.

33. In view of the aforesaid circumstances and untoward incident, the order of this Hon'ble Court could not be executed in toto.

Deepak Khandelwal
Advocate / Court Receiver
Enrl No.: D/6765/2020
Mob. No.: 8651718126"

(emphasis supplied)

5. The factual aspects set out in the report of Additional Special Receiver, *prime facie*, shows that the said Mr. Amit Panwar and others have prevented the Additional Special Receiver from executing the order of this Court and, therefore, these persons have *prima facie* interfered with the administration of justice.

6. Accordingly, at this stage, the following directions are issued :-

(i) The Court Receiver, High Court, Bombay is hereby directed to take forcible physical possession of the entire premises of the defendant located at Akshay Paints Industries, Khasra No. 1177, Shed No. 3, Sihani Baba Nagar, Meerut Road, Ghaziabad, Uttar Pradesh – 201 001 by breaking open the locks, if any. The Court Receiver, High Court, Bombay is further directed to take physical possession of the premises on '**as is what is, where is and whatever there is basis**' till further orders. This direction is required for the purpose of execution of order dated 4 August 2026.

(ii) The local police authority i.e. Nandgram Police Station,

Ghaziabad, U.P. to render all police assistance, protection and support to the Court Receiver, High Court, Bombay for execution of this order. The plaintiff to pay the cost of the police authorities, if applicable.

(iii) The Court Receiver is directed to prepare inventory of all the articles/materials lying in the premises of the Defendant located at Akshay Paints Industries, Khasra No. 1177, Shed No. 3, Sihani Baba Nagar, Meerut Road, Ghaziabad, Uttar Pradesh – 201 001.

(iv) All the cost, charges and expenses of the Court Receiver, High Court, Bombay shall be borne by the plaintiff. The plaintiff shall furnish undertaking to the Court Receiver, High Court, Bombay for safeguarding the said premises as well as articles/materials lying in the premises by appointing the security guard, at their own cost.

(v) The Police Commissioner of Ghaziabad i.e. Shri J. Ravinder Goud, IPS, presently holding the rank of Inspector General of Police (IG) to file report on or before 9th September 2026 before this Court about the action taken with respect to the incident which has taken place on 25th August 2026 and which is more particularly set out in the report of the Additional Special Receiver.

7. Although *prima facie* case is made out for issuance of contempt notice against Mr. Amit Panwar and his 10 associates, however at this stage and to give opportunity to said Mr. Amit Panwar, it is directed that he shall remain present in this Court on the next day and file his reply to the report of the Additional Court Receiver which has been reproduced in this order.

8. Stand over to 10th September 2026 at 3.00 p.m.

[MADHAV J. JAMDAR, J.]