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

CNR No. DLHC010434192026

+ **CS(COMM) 999/2026**

JCB INDIA LIMITED & ORS.

.....Plaintiffs

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. D. Bhattacharyya, Mr. Piyush Sharma,
Ms. Shweta Singh, Mr. Ramapati Mishra,
Advocates.

versus

JOHN DOE(S) & ORS.

.....Defendants

Through: Mr. Aditya Gupta and Mr. Rohith
Venkatesan, Advocates for D-2.
Mr. Varun Pathak, Ms. Sana Banyal and Ms.
Komal Pathak, Advocates for D-3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **15.09.2026**

I.A. 25134/2026 (Exemption)

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

I.A. 25130/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiffs under Section 12-A 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 Plaintiffs from Pre-Institution Mediation.

5. Application is allowed and disposed of.

I.A. 25132/2026 (u/S 151 CPC)

6. This application is filed on behalf of the Plaintiffs seeking exemption from effecting advance service on Defendant No. 1/John Doe(s).

7. For the reasons stated in the application, the same is allowed exempting Plaintiffs from effecting advance service on Defendant No. 1/John Doe(s).

8. Application stands disposed of.

I.A. 25131/2026 (u/S 80(2) CPC)

9. This application is filed on behalf of the Plaintiffs seeking exemption from serving prior notice under Section 80(1) CPC on Defendants No. 4/DoT and 5/MeitY.

10. For the reasons stated in the application, the same is allowed exempting Plaintiffs from serving prior notice under Section 80(1) CPC on Defendants No. 4 and 5.

11. Application stands disposed of.

I.A. 25133/2026 (u/S 151 CPC r/w Order XI Rule 6(3) of Bharatiya Sakshya Adhiniyam, 2023)

12. This application is filed on behalf of the Plaintiffs for placing on record a pen drive containing electronic records relied upon by the Plaintiffs.

13. For the reasons stated in the application, the same is allowed permitting Plaintiffs to place on record a pen drive containing electronic



records relied upon by them.

14. Application stands disposed of.

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15. Let plaint be registered as a suit.

16. Issue summons.

17. Counsels, as above, accept summons on behalf of the respective Defendants.

18. Upon filing of process fee, issue summons to the remaining Defendants through all permissible modes, returnable before the learned Joint Registrar on 06.10.2026.

19. Summons shall state that the written statement shall be filed by Defendant No. 1 within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiffs.

20. It will be open to the Plaintiffs to file replication within 30 days from the date of receipt of written statement along with affidavits of admission/denial of documents filed by Defendant No. 1.

21. 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.

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

I.A. 25129/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

23. This application is filed on behalf of the Plaintiffs under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

24. Issue notice.



25. Counsels, as above, accept notice on behalf of the respective Defendants.

26. Notice be issued to the remaining Defendants through all permissible modes, returnable before Court on 18.01.2027.

27. Case of the Plaintiffs as set out in the plaint is that Plaintiff No. 1, JCB India Limited, is a company incorporated under the Companies Act, 1956, engaged in the manufacture, marketing and sale of construction and earthmoving equipment and allied products and services in India. Plaintiff No. 2 is a former senior officer of Plaintiff No. 1 and Plaintiff No. 3 is a serving officer and have been specifically targeted in the impugned videos and publications by falsely portraying that they have been arrested and taken into custody on being found guilty of criminal misconduct.

28. It is stated that Plaintiff No. 1 is part of the globally renowned JCB group and has built substantial goodwill and reputation in India over several decades in relation to construction and earthmoving equipment. The initials/name “JCB”, the associated logos, insignia, trade dress and brand identifiers are valuable intellectual property assets of Plaintiff No. 1 and/or its licensors within the JCB group.

29. It is stated that Krishna Auto Riders Private Limited (“KARPL”) was appointed by Plaintiff No. 1 as a non-exclusive authorised dealer of JCB products for certain districts in the State of Chhattisgarh, the relationship having commenced pursuant to Letter of Intent dated 04.12.2017, which was thereafter governed by successive written Dealership Agreements and extensions executed between the parties. By virtue of the dealership arrangement, KARPL was permitted to represent itself as an authorised JCB dealer and to use JCB trademarks, trade names, logos, signage and other



brand identifiers to carry out the dealership business. The authority granted to KARPL to use the JCB name and branding was therefore derivative and co-terminus with the subsistence of the dealership and conferred no independent, perpetual or proprietary rights in the JCB marks.

30. It is stated that the dealership term subsisting in 2024 expired by efflux of time on 31.12.2024. At a meeting held on 20.01.2025, the parties recorded the expiry and KARPL acknowledged approximately Rs. 2.10 crore as due and payable to JCB and sought an additional period up to 31.12.2025 to rationalise and wind down its business and liquidate stock. An Extension Agreement dated 22.01.2025 was thereafter executed extending the arrangement from 01.01.2025 to 31.12.2025, expressly recording that no further extension will be granted. JCB confirmed the end of the arrangement vide its communication dated 31.10.2025. On 05.11.2025, one of the Directors of KARPL, addressed a detailed representation to the Chairman of J.C. Bamford Excavators Ltd., U.K. alleging that a non-renewal clause had been inserted without consent, *albeit* significantly without alleging that the Extension Agreement or any signature thereon had been forged or fabricated though it is now sought to be alleged that signatures were forged or taken on blank signatures, which is an afterthought and matter of trial.

31. It is stated that KARPL instituted O.M.P.(I)(COMM.) 537/2025 under Section 9 of Arbitration and Conciliation Act, 1996 (1996 Act) before this Court on 18.12.2025 seeking interim protection and continuation of the dealership, wherein no interim relief was granted and the arrangement expired by efflux of time on 31.12.2025. Plaintiff No. 1 also filed a petition being O.M.P.(I)(COMM.) 159/2026 seeking restraint against KARPL's continued unauthorised use of JCB trademarks, logos, branding and dealer



identity after expiry of the dealership arrangement. By order dated 12.05.2026 in ARB.P. 418/2026 and connected matters, Court appointed a Sole Arbitrator and directed that the Section 9 petitions be treated as applications under Section 17 of 1996 Act. The arbitral proceedings are pending.

32. It is stated that on 10.11.2025, Mr. Gaurav Modi, Director of KARPL, submitted a written complaint before Police Station Katghora, District Korba, Chhattisgarh in relation to the dealership dispute, specifically naming officers or former officers of Plaintiff No. 1 but no FIR was registered and thereafter, an application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 was filed, whereafter FIR has been registered against Plaintiffs No. 2 and 3. Notices dated 25.07.2026 were issued under Section 35(3) BNSS requiring presence on 05.08.2026. There have been no arrests or any other precipitative proceedings so far.

33. It is stated that during and/or around the same time, impugned videos started emerging and were circulated and disseminated with speed, portraying falsely that Plaintiffs No. 2 and 3 were arrested and presenting the registration of FIR as though the allegations therein were proved and these Plaintiffs were criminals. Timing of the videos was deliberate so as to influence the investigation. The origin and contents of the videos raise serious and legitimate questions as to how its creators obtained information about the movements and presence of the police team and Plaintiffs in Delhi. In fact, a press conference was also held in Delhi on behalf of KARPL and a press release was published make the allegations in the FIR public through ANI, The News Mill, Chhattisgarh Today and other digital platforms.

34. It is stated that the presently identified impugned content in respect of



which Plaintiffs seek immediate take down/disablement, preservation and disclosure reliefs comprises three YouTube videos, Instagram handle/account “@infoofjcb” and ten Instagram Reels, as set out in paragraph 27 of the plaint. The architecture of online publication enables the persons behind the impugned content to circumvent a URL-specific injunction with considerable ease, since the same or substantially identical content may be hosted through a fresh URL, a renamed or newly created channel or account, a mirror account or another platform without any material alteration in the unlawful content itself and an unidentified operator may likewise deactivate one account upon receipt of a complaint or order and resume dissemination through another identifier. Publicly visible names, handles and channel descriptions associated with such accounts do not necessarily disclose the true legal identity of the persons who own, operate, control or finance the impugned content as often such online identifiers are pseudonymous and alter or abandon at will, while the underlying subscriber and technical information is not ordinarily available in the public domain. Plaintiffs do not have access to subscriber or KYC data, registered emails and mobile numbers, recovery information, IP addresses, login history, device data, upload timestamps, original files, deleted files, advertising and monetisation records, payment information or communications relating to commissioning of the videos, much of which are possessed or controlled by Defendants No. 2 and 3 alone. Electronic evidence being inherently vulnerable to deletion, it is imperative that account-name changes, account termination, alteration and expiry of logs are preserved.

35. It is stated that false statements and publications that Plaintiffs No. 2 and 3 were arrested or remanded in custody as also publication of allegations



pertaining to criminal offences, is causing grave injury to the personal and professional reputation of Plaintiffs No.2 and 3. Plaintiff No. 1's goodwill and reputation is independently injured and harmed since the videos identify the targeted individuals as senior officers of the company and portray the alleged criminal wrong doings as a part of JCB's conduct and management. Plaintiff No. 1 has immense goodwill and reputation and its name, trademarks, logos, brand name are deeply associated in the minds of public as one of the well known brands in the field of manufacture, marketing and sale of construction and earth moving equipment. The impugned videos are *per se* defamatory and are causing irreparable harm and injury to the goodwill and reputation built by Plaintiff No. 1 over the years as also dilution of its trademarks, which are being used by KARPL despite expiry of the dealership arrangements.

36. During the course of hearing, learned Senior Counsel for the Plaintiffs has drawn the attention of the Court to the contents of the impugned videos/publications and submits that the contents are damaging the immense goodwill and reputation of the Plaintiffs. The name JCB and associated logos, insignia and brand identifiers are valuable assets of Plaintiff No. 1 and/or its licensors and it is entitled to protect these assets from damage, harm and injury. Through the impugned videos, KARPL is tarnishing the image of the Plaintiffs, having being unsuccessful in renewing the dealership agreements.

37. It is urged that KARPL's authority to use JCB name and branding arose solely from the dealership agreements, which recognized the proprietary rights of JCB India and/or its licensors in the JCB trademarks, logos and associated goodwill and KARPL has no authority or right to use



the same after the expiry of the agreements. Hence the use of JCB name and brand identifiers by anonymous online accounts in conjunction with fabricated and misleading content, at the instance of KARPL must be restrained as the injury to the goodwill and reputation will be irreversible.

38. Having heard learned Senior Counsel for the Plaintiffs and on perusal of the content of the impugned videos, I am of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte* ad interim injunction against Defendant No.1. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

39. Accordingly, till the next date of hearing, Defendant No. 1/John Doe(s) and all others acting on their behalf are restrained from creating, publishing, uploading, communicating, circulating, sharing, transmitting or otherwise disseminating the audio-visual content in the impugned videos referred to in paragraph 27 of the plaint. They are also restrained from publishing/communicating/circulating any material similar or identical to the content of the impugned videos concerning the Plaintiffs, more particularly, any false portrayal relating to the pending criminal case.

40. Defendant No. 1/John Doe(s) are also restrained till the next date of hearing from using the name, marks, logos, insignia or other brand identifiers of JCB in a manner that suggests or portrays any connection, affiliation or association with Plaintiff No. 1.

41. Defendant No. 2/Google LLC is directed to take down URLs at Serial Nos. 1 to 3 of **ANNEXURE-A** to this order and Defendant No. 3/META Platforms, Inc. is directed to take down URLs at Serial Nos. 4 to 14, save and accept URL at Serial No. 9 as the same is stated to be inaccessible. The



needful shall be done within 36 hours from the date of receipt of copy of this order. Defendants No. 2 and 3 shall provide BSI and IP Log details to the Plaintiffs within four weeks from today in a password protected document. Compliance affidavits shall be filed within six weeks from today. It will be open to the Plaintiffs to bring to the notice of Defendants No.2 and 3 further URLs/accounts which host identical or similar content and on receipt of the said information, action will be taken by the concerned Defendants to take them down within 36 hours.

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

JYOTI SINGH, J

SEPTEMBER 15, 2026
S.Sharma



ANNEXURE-A

S N	Platform/ Content	URL/Handle
1.	YouTube – Impugned Video 1	https://youtu.be/YiUfl6EWjGM
2.	YouTube – Impugned Video 2	https://youtu.be/qVFYA8qyK8I
3.	YouTube – Impugned Video 3	https://youtu.be/g4ST9y8WGuk
4.	Instagram – unauthorised/ misleading handle/account	@infoofjcb https://www.instagram.com/infoofjcb/
5.	Instagram - Impugned Reel	https://www.instagram.com/reel/DbxGComTlUa/?wa_logging_event=video_play_open
6.	Instagram - Impugned Reel	https://www.instagram.com/reel/Dbw8H6FTg0M/
7.	Instagram – Impugned Reel	https://www.instagram.com/reel/DYuSXNMh0o/
8.	Instagram – Impugned Reel	https://www.instagram.com/reel/DYxu7goVL6/
9.	Instagram – Impugned Reel	https://www.instagram.com/reel/DYxbRys Ww/
10.	Instagram – Impugned Reel	https://www.instagram.com/reel/DYysGqoKhY/
11.	Instagram – Impugned Reel	https://www.instagram.com/reel/DYbqfQccymhQ/
12.	Instagram – Impugned	https://www.instagram.com/reel/D



S N	Platform/ Content	URL/Handle
	Reel	bTKXmLD6ij/
13.	Instagram – Impugned Reel	https://www.instagram.com/reel/Dbqi-CIzM7q/
14.	Instagram – Impugned Reel	https://www.instagram.com/reel/Dbrn4KhIt90/