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

CNR No. DLHC010008772025

+ **CS(COMM) 32/2025 and I.A. 904/2025**

THE COCA-COLA COMPANYPlaintiff

Through: Mr. Anirudh Bakhru, Mr. Sumit Wadhwa and Mr. Abhyudaya Tiwari, Advocates.

versus

M/S CHHABEE NUTRICOS INDUSTRIES LLPDefendant

Through: Mr. Gaurav Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.10.2026

I.A. 16237/2026 (Application under Order XXXIX Rule 2A read with Section 151 CPC by the plaintiff)

1. The present application has been filed by the plaintiff alleging wilful disobedience of order dated 24.01.2025.
2. Mr. Anirudh Bakhru, learned counsel appearing on behalf of the plaintiff/applicant invites attention of the Court to the order dated 24.01.2025, more particularly, to paragraphs 45, 46 and 47 thereof, to contend that the defendant was restrained by an order of this Court not to



use *inter alia* any goods bearing the shape of bottle and / or any other mark identical or similar to the plaintiff's registered distinctive bottle device



as a trademark/part of a trademark and/or in any other manner whatsoever. Paragraphs 45, 46 and 47 are set out hereinbelow for the ease of reference:

“45. Accordingly, till the next date of hearing, the defendant, its proprietor, partners, employees, servants, agents, representatives, agents and all others acting for and on behalf of the defendant are restrained from selling, offering for sale, marketing, advertising, manufacturing and directly or indirectly dealing in any goods bearing the word mark “GULPY ORANGE” and/or “GULPY ORANGE” Label and/or “GULPY ORANGE” Bottle and/or any other trademark identical or similar to the plaintiff’s “PULPY ORANGE” Mark and/or “PULPY ORANGE” Labels and/or “MINUTE MAID PULPY ORANGE” Bottle as a trademark/part of a trademark, trade name/part of a trade name, domain name/part of a domain name and/or in any other manner whatsoever.

46. Further, the defendant, its proprietor, partners, employees, servants, agents, representatives, agents and all others acting for and on behalf of the defendant are restrained from manufacturing, selling, offering for sale, exporting, advertising, marketing, reproducing, printing and/or in any manner using directly or indirectly a “GULPY ORANGE” label/trade dress or any other label/packaging which is a substantial reproduction of the Plaintiff’s “PULPY ORANGE” Label.

47. The defendant is also restrained from selling, offering for sale, marketing, advertising, manufacturing, and directly or indirectly dealing in any goods bearing the shape of the bottle



and/or any other trademark identical or similar to the



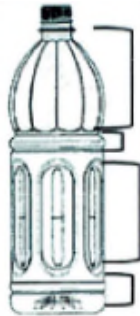
plaintiff's registered distinctive bottle device as a trademark/part of a trademark and/or in any other manner whatsoever."

3. He submits that since the defendant did not comply with the directions given by this Court in its order dated 24.01.2025, the plaintiff was constrained to file an application being I.A. 10490/2025. However, since the defendant had complied with the directions in the meanwhile, the plaintiff did not press the said application and the same was disposed of *vide* order dated 18.09.2026. He clarifies that the said application was confined only to the old product which was being advertised on Instagram and other third-party websites.

4. However, in the present application, the plaintiff has alleged wilful disobedience on account of the defendant using a bottle which is deceptively similar to the bottle of the plaintiff. He submits that to overreach the order of this Court passed on 24.01.2025, the defendant has slightly changed the shape of the bottle, however, the overall appearance of the defendant's bottle is deceptively similar to the bottle of the plaintiff.

5. Attention of the Court has been drawn to Para 7 of the application, wherein a comparison has been made between the plaintiff's bottle device as well as the bottle shape of the defendant which is now being used by the defendant. The said tabulated chart showing comparison is set out hereinbelow:



Plaintiff's Bottle Device	Comparison	Impugned Bottle
	• Shoulder and Upper Body: The Shoulder and Upper Body in the rival bottle feature a deceptively similar dome. • The rival bottles feature an almost identical groove between the upper dome and lower half of the bottle.	
	• Body: The main cylindrical body of the rival bottles features identical symmetrical and uniquely designed recesses evenly spaced around the cylinder. • Base: The base of the rival bottles features identical horizontal grooves.	

6. On perusal of the comparison, this Court is *prima facie* of the view that the bottle which is now being used by the defendant is deceptively similar to the shape of the bottle of the plaintiff. Therefore, till the next date of hearing the defendant is restrained from using its impugned new shape



bottle, pictorial representation of which has been given in the tabulated chart reproduced in the foregoing paragraph.

7. As a last opportunity, let reply be filed by the defendant within a period of three weeks.
8. Rejoinder thereto, if any, be filed before the next date of hearing.
9. Re-notify on 19.01.2027.

VIKAS MAHAJAN, J

OCTOBER 6, 2026/jg