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* IN THE HIGH COURT OF DELHI AT NEW DELHI

CNR No. DLHC010483052026

+ CS(COMM) 1095/2026

ALUCOPANEL INDUSTRIES

.....Plaintiff

Through: Mr. Umesh Mishra and Mr.
Divyanshu Rai, Advocates.

versus

IMPERIA DECOR INDUSTRIES & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **07.10.2026**

I.A. 27783/2026 (Application under Section 151 CPC by the plaintiff)

1. The present application is filed under section 151 of the Code of Civil Procedure, 1908 (hereinafter 'CPC'), on behalf of the plaintiff, seeking exemption from filing original/true typed & vernacular copy of documents.

2. Original documents shall be produced/filed, if sought, strictly as per the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act') and DHC (Original Side) Rules, 2018.

3. The typed copies of the illegible documents be filed within four weeks.

4. Accordingly, the application stands disposed of.

I.A. 27782/2026 (Application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC by the plaintiff)



5. This present application has been filed by the plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015.

6. An urgent relief has been sought by the plaintiff in the present suit. After having examined the plaint and the documents filed along with the plaint, the Court is of the view that relief in application under Order XXXIX Rules 1 and 2 CPC [I.A. 27780/2026] is plausibly urgent and genuinely contemplated, for the reasons recorded in detail while dealing with I.A. 27780/2026.

7. The application is, therefore, allowed and the plaintiff is exempted from pre-litigation mediation.

8. The application stands disposed of.

I.A. 27781/2026 (Application under Order XI Rule 1(4) of the Commercial Courts Act, 2015 read with Section 151 of the CPC by the plaintiff).

9. This is an application filed by the plaintiff seeking leave to file additional documents.

10. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act and Delhi High Court Rules, 2018.

11. The application is disposed of.

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12. Let the plaint be registered as suit.

13. On filing of process fee, summons be issued to the defendants by all permissible modes.

14. The summons shall indicate that the written statement must be filed within thirty days from the date of receipt of summons. The defendants shall



also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

15. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by an affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

16. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

17. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

18. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 03.12.2026.

19. List before Court for framing of issues on a date to be assigned by the learned Joint Registrar.

I.A. 27780/2026 (Application under Order XXXIX Rule 1 and 2 read with Section 151 of the CPC by the plaintiff)

20. This is an application filed by the plaintiff seeking an *ex partetemporary* injunction restraining the defendants from using the impugned trademark “ALUMAC” and/or any other trademark or trade name which may be identical with or deceptively similar to the plaintiff’s registered trademark “ALOMAX” so as to cause infringement of the plaintiff’s registered trademarks as well as passing off.

21. The case set out in the plaint is that the plaintiff is a registered partnership firm engaged in the business of manufacturing, marketing, and



selling the goods, being Aluminium Composite Panels and other building and construction materials falling under Class 6 and Class 19.

22. The plaintiff and its predecessor have been using the trademark/trade name “**ALOMAX**” since the year 2000. It is stated that the plaintiff’s predecessor, namely, M/s. Analco (India) Pvt. Ltd. had applied for the registration of the trademark “**ALOMAX**” in Class 19, which was registered on 16.01.2006 w.e.f. 19.11.2004 in respect of Plywoods, Block Boards, Wooden Doors, Window Frames, Veneers, Flush Doors, etc. The said predecessor of the plaintiff had also applied for the registration of the trademark “**ALOMAX**” in Class 6.

23. Subsequently, *vide* deed of assignment dated 09.04.2013, M/s. Analco (India) Pvt. Ltd. assigned the registered mark “**ALOMAX**” in Class 19 as well as the pending registration of the same mark in Class 6.

24. It is stated that by virtue of the plaintiff’s extensive, continuous, and uninterrupted use of the trademark “**ALOMAX**”, the same has become exclusively associated with the plaintiff and its business, and has acquired invaluable goodwill and reputation throughout the country.

25. It is stated that the plaintiff, from time to time, filed several trademark applications for registration of the trademark “**ALOMAX**” in different classes in respect of the goods covered under the said classes. The tabular statement of such registrations has been given in Para 8 and the same has been set out hereinbelow for ease of reference:



Application No.	Trademark	Class	Status
2232640	ALOMAX	6	Registered
3365001	ALOMAX WITH DEVICE	19	Registered
3045839	ALOMAX	37	Registered
3045838	ALOMAX	35	Registered
3045837	ALOMAX	17	Registered
3045836	ALOMAX	11	Registered
1321329	ALOMAX	19	Registered/ Abandoned

26. It is stated that because of the high quality and efficiency of the goods marketed and sold by the plaintiff, coupled with a substantial amount of money, skills, and labour invested in the promotion and advertisement of the same, the trademark/labour/artistic work “**ALOMAX**” of the plaintiff, as well as the goods sold thereunder, have become well-known and the same are in great demand among the customers, public, and members of the trade. As a consequence, the demand for the said goods sold by the plaintiff has extensively increased, and the business, as well as sales of the plaintiff has reached to crores of rupees. The details of annual sales figures starting from the financial year 2009-2010 till 2024-2025 have been delineated in Para 18 of the plaint, which are also extracted hereinbelow for the sake of ready reference:



Financial Year	Total Turnover
2009-10	9,21,51,665/-
2010-11	17,55,92,422/-
2011-12	18,42,65,408/-
2012-13	33,36,91,608/-
2013-14	49,47,23,850/-
2014-15	62,83,71,822/-
2015-16	65,62,11,149/-
2016-17	59,26,08,488/-
2017-18	48,45,39,162/-
2018-19	37,12,55,529/-
2019-20	38,07,54,915/-
2020-21	31,31,60,366/-
2021-22	41,45,43,754/-
2022-23	48,92,01,767/-
2023-24	44,02,93,188/-
2024-25	42,57,04,293/-

27. It is further stated that the plaintiff and its predecessors have been very active and vigilant in protecting the statutory as well as the common law rights in the registered trademark/label/artistic works and the suit being CS(OS) 1764/2009 was filed against one M/s. Navodaya Exim Pvt. Ltd. wherein the defendant therein was injuncted *vide* order dated 16.09.2009.

28. It is further stated that a comparative analysis of the defendants' impugned mark and the plaintiff's mark clearly sets out a case of likelihood of confusion. A tabular comparison of the competing marks/labels of the plaintiff and defendants have been given in paragraph 25 of the plaint and the same has been set out hereinbelow:



PLAINTIFF'S MARK/LABEL	DEFENDANT'S MARK/LABEL

29. It is stated that in the last week of June 2026, in the course of a routine market survey in Delhi/NCR, the plaintiff's sales person discovered an identical/deceptively similar mark/label “**ALUMAC**” under a similar artistic trade dress.

30. Upon further enquiry, it came to the knowledge of the plaintiff that on 31.03.2026, that defendant no.1 has made an application for registration of the mark “**ALUMAC**” in Class 19 on a “proposed to be used” basis. It is further stated that upon further investigation, it was found that Mr. Sanjay Garg, one of the present Directors of defendant no.2/company, was previously associated with the plaintiff firm.

31. Having regard to the averments made in the plaint and the submissions of the learned counsel for the plaintiff, and upon a comparative examination of the trademark of the plaintiff as well as the impugned mark of the defendants, it is apparent that the plaintiff is prior adopter and registered proprietor of its mark “**ALOMAX**”, and the impugned trademark “**ALUMAC**” of the defendant is phonetically and visually identical and deceptively similar to the said mark of the plaintiff. Further, the fact that one of the present Directors of defendant no.2/company was previously



associated with plaintiff firm shows that the adoption of impugned mark “ALUMAC” is not *bona fide*.

32. The defendants impugned mark “ALUMAC” on account of phonetic similarity with the plaintiff’s mark ‘ALOMAX” is bound to create confusion and deception amongst consumers, public and members of the trade, especially when the goods being sold under the plaintiff’s trademark as well as the impugned trademark of the defendants are similar and the primary purchasers of such products are illiterate or semi-literate who cannot read or distinguish subtle textual differences and will be easily influenced by visual appearance and phonetic similarity.

33. Accordingly, this Court is of the view that the plaintiff has made out a *prima facie* case for the grant of *ad interim* relief till the next date of hearing. The balance of convenience is also in favour of the plaintiff. I am of the view that the plaintiff will suffer irreparable loss in case the *ad interim exparte* injunction order is not passed till the next date of hearing.

34. Accordingly, till the next date of hearing, the defendants, their proprietor, partners, agents, assigns, representatives, heirs, servants, dealers, distributors, franchisees, and/or anyone acting for and on its behalf are restrained from using the impugned trademark/label “ALUMAC” or any other mark/label, which is identical or deceptively/confusingly similar to the plaintiff’s trademark/label “ALOMAX”, in respect of Aluminium Composite Panels and other building and construction materials falling under Class 6 and Class 19 or other similar goods in any manner, whatsoever, so as to result in infringement of the said registered trademark/label of the plaintiff or its passing off.



35. Issue notice. Notice be served upon the defendants by all permissible modes including speed post, courier, e-mail, etc., upon the filing of process fee.
36. The defendants may file a reply to the application within a period of four weeks. Rejoinder thereto, if any, be filed before the next date.
37. The provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendants within a period of two weeks and an affidavit of compliance be filed within one week.
38. A compliance affidavit be filed within a period of three days thereafter.
39. List before Court on 02.02.2027.

VIKAS MAHAJAN, J

OCTOBER 7, 2026/jg/SS