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

CNR No. DLHC010179622026

+ **CS(COMM) 1152/2026, I.A. 29303/2026, I.A. 29326/2026**

EXPERION DEVELOPERS PVT. LTD.

.....Plaintiff

Through: Mr. Vaibhav Vutts, Ms. Aamna
Hasan, Ms. Anupriya Shyam and Ms.
Vaibavi S. G., Advocates.

versus

ISHU SINGH & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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16.10.2026

I.A. 29302/2026 and I.A. 29300/2026 (Exemptions)

1. Exemptions are allowed, subject to all just exceptions.
2. The Applications stand disposed of.

I.A. 29299/2026 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 ("CC Act").
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
5. The Application stands disposed of.



I.A. No. 29327/2026 (Extension of time to file Court Fees)

6. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the CPC, seeking exemption from payment of Court Fees at the time of the filing of the Suit.

7. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

8. The Application stands disposed of.

I.A. 29304/2026 (Exemption from advance service to the Defendant No.1)

9. This is an Application filed by the Plaintiff under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from advance service to the Defendant No. 1.

10. Learned Counsel for the Plaintiff submitted that Defendant No. 1 is the owner / runs the website, www.experionemerellereserve.in (“**Infringing Website**”). Except for the name of the registrant of the Infringing Website, the exact details of the owner / registrant of the Infringing Website are not known to the Plaintiff at this stage until after discovery in the present Suit and upon the information provided by Defendant No. 2.

11. In view of the above and the fact that the Plaintiff has sought an urgent *ex parte ad-interim* injunction, the exemption from advance service to Defendant No. 1 is granted.

12. The Application stands disposed of.

CS(COMM) 1152/2026

13. Let the Plaint be registered as a Suit.

14. Issue Summons.

15. Let the Summons be served to Defendant No. 2 through all permissible modes upon filing of the Process Fee. Summons shall be served upon



Defendant No. 1 once the details as directed are provided by Defendant No. 2 and the Plaintiff files an amended Memo of Parties and the Process Fee.

16. The Summons shall state that the Written Statements shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statements, the Defendants shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statements shall not be taken on record.

17. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statements. Along with the Replication(s) filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

18. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

19. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

20. List before the learned Joint Registrar on 22.12.2026 for completion of service and pleadings.

I.A. 29301/2026 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

21. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

22. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.



23. Accordingly, the Application stands disposed of.

I.A. 29298/2026 (U/O XXXIX Rule 1 and 2 of CPC)

24. Issue Notice. Let the Notice be served to Defendant No. 2 through all permissible modes upon filing of the Process Fee. Notice shall be served upon Defendant No. 1 once the details as directed are provided by Defendant No. 2 and the Plaintiff files an amended Memo of Parties and the Process Fee.

25. The present Suit has been filed for permanent injunction restraining

infringement of registered Trade Marks, 'EXPERION', '' ,

'' , '' , '' , '' , ("Plaintiff's

Trade Marks") and Copyright, passing off, unfair competition, damages, rendition of accounts of profits and delivery up along with other ancillary reliefs.

26. Learned Counsel for the Plaintiff made the following submissions:

26.1. The Plaintiff is a company organized and registered under the Companies Act, 1956 and is a wholly owned subsidiary of *Experion Holding Pte. Limited*, Singapore, which is the real estate investing arm of AT Holdings group of companies.

26.2. The Plaintiff is in the business of real estate development since the year 2006. The Plaintiff at present has major developmental projects across various locations in India. Some of the major projects of the Plaintiff are 'Experion Virsa' in Punjab, 'Experion Capital' in Lucknow, 'The Experion Elements' in Noida and 'Milestone Experion Centre' in Gurugram, Haryana.



- 26.3. The Plaintiff has advertised and promoted itself and its various projects / services in India and abroad through both electronic and print media such as newspapers, magazines, trade journals, promotional literature, internet and participation in fairs and exhibitions. The engagements of the members of the Plaintiff in different events are reported in print and online media such as Dainik Jagran, Dainik Bhaskar, Business Standard, Hindustan Times, Times of India etc.
- 26.4. The Plaintiff adopted the Trade Mark 'EXPERION' in the year 2011 in relation to its goods and services, and in the year 2012, the corporate name of the Plaintiff was changed from Gold Developers Private Limited to Experion Developers Private Limited. The Mark 'EXPERION' is an invented mark and is inherently distinctive and exclusively associated with the Plaintiff and its sister concerns. The Plaintiff coined and adopted the logo, '  ' after considerable thought and deliberation, and the manner of representation of the mark 'EXPERION' being original makes the Plaintiff the exclusive owner of the Copyright therein.
- 26.5. The Plaintiff has been accorded statutory protection by registration for the Plaintiff's Trade Marks in India. The details of some of the registered Plaintiff's Trade Marks are reproduced hereunder:



Trade Mark	Trade Mark No.	Class	Date of Filing	Status
EXPERION	2248509	36	13/12/2011	Registered
EXPERION	2248507	43	13/12/2011	Registered
EXPERION	2248508	16	13/12/2011	Registered
	2248512	16	13/12/2011	Registered
	4261902	16	10/08/2019	Registered
	2248511	36	13/12/2011	Registered
	2248510	43	13/12/2011	Registered
	4261907	43	10/08/2019	Registered
	4261905	37	10/08/2019	Registered
	6130832	1	29/09/2023	Registered
	6130833	4	29/09/2023	Registered
	6130837	37	29/09/2023	Registered
	6130838	39	29/09/2023	Registered
	6130840	41	29/09/2023	Registered
	6130816	1	29/09/2023	Registered
	6130820	35	29/09/2023	Registered
	6130821	36	29/09/2023	Registered

26.6. The Plaintiff is the registered proprietor of the domain name www.experion.co since the year 2011, which hosts the website of the Plaintiff containing details of the activities, goods and



services and the presence of the Plaintiff under the Trade Mark ‘EXPERION’.

- 26.7. The Plaintiff had a net worth of ₹1388.26 crores as on 31.03.2022. The turnover of the Plaintiff under the mark ‘EXPERION’ for the Financial Year (“FY”) 2023-2024 was ₹92,737.15 lakhs and the advertisement expenses of the Plaintiff for the FY 2023-2024 were ₹1,129.42 lakhs.
- 26.8. The Plaintiff is developing an upcoming residential project under the name and mark, ‘EXPERION EMERELLE RESERVE’, to be located in Sector 88A, near the Dwarka Expressway, Gurugram, Haryana. The Plaintiff has only recently filed an application for RERA registration of the said project and has not, as on date, advertised or otherwise disclosed any details pertaining to the said project on its official website or through any other medium.
- 26.9. Defendant No. 1 is the owner / runs the Infringing Website, which displays false and misleading details about the Plaintiff’s upcoming project under the name and mark, ‘EXPERION EMERELLE RESERVE’ and prominently displays / uses the Plaintiff’s Trade Mark ‘EXPERION’. As per details available on www.whois.com, the domain name of the Infringing Website has been registered recently on 07.10.2026.
- 26.10. Defendant No. 2, *Endurance International Group India Private Limited*, is a company incorporated under the laws of India, having its registered address at Mumbai, Maharashtra, and is the registrar of the domain name of the Infringing Website. The



limited relief claimed against Defendant No. 2 is a direction to provide the complete contact details of the owner / registrant of the Infringing Website, and to take down the domain name of the Infringing Website and transfer the same to the Plaintiff.

26.11. In and around October 2026, while making a routine check, the Plaintiff came across the Infringing Website wherein the Plaintiff's Trade Mark 'EXPERION' is being used without any authorisation from the Plaintiff. The Infringing Website displays false and misleading information pertaining to the Plaintiff's upcoming project, 'EXPERION EMERELLE RESERVE' and, further, falsely purports to be an authorised channel partner of the Plaintiff, despite Defendant No. 1 having no such authorisation. As the Plaintiff has not disclosed any details of the said project, Defendant No. 1 could not have legitimately accessed any particulars thereof, save for the fact that the Plaintiff is developing an upcoming project under the aforesaid name and has applied for its RERA registration.

26.12. The Plaintiff attempted to ascertain the identity and particulars of the registrant of the Infringing Website; however, no information in this regard is presently available on the Infringing Website. Upon conducting a search on the Whois database, the Plaintiff was able to ascertain that the registrant of the Infringing Website appears to be one, Ishu Singh, and no further particulars of Defendant No. 1 are available, as the relevant information has been redacted on grounds of privacy. Defendant No. 2, being the registrar of the domain name of the



Infringing Website, is in possession of, or has access to, the complete particulars and contact details of Defendant No. 1.

26.13. Defendant No. 1 is purposely infringing and passing off the Plaintiff's Trade Marks to free ride on the goodwill of the Plaintiff. There is a strong likelihood of confusion or deception in the minds of consumers and members of trade, as they are likely to be misled into believing that the goods / services offered through Defendant No. 1 originate from the business of the Plaintiff, or that Defendant No. 1 has some commercial nexus, affiliation or connection with the business of the Plaintiff. The Infringing Website is designed with the sole intent to dupe and defraud unwary customers of their hard-earned monies by using the Plaintiff's Trade Marks and reputation.

27. Having considered the submissions advanced by learned Counsel for the Plaintiff, the pleadings and the documents on record, it is clear that the Plaintiff is the registered proprietor of the Plaintiff's Trade Marks. The Plaintiff has been able to establish long and continuous use of the Plaintiff's Trade Marks since the year 2011 with respect to real estate development. The Plaintiff has demonstrated the goodwill and reputation acquired by the Plaintiff's Trade Marks. The turnover of the Plaintiff in the FY 2023-2024 was ₹92,737.15 lakhs and the advertisement expenses of the Plaintiff in the FY 2023-2024 were ₹1,129.42 lakhs.

28. The use of the Plaintiff's Trade Mark 'EXPERION' and the name and mark of the Plaintiff's upcoming project, 'EXPERION EMERELLE RESERVE' by Defendant No. 1 on the Infringing Website is *prima facie* dishonest and nothing but an attempt to ride on the goodwill and reputation



of the Plaintiff so as to cause confusion in the market. Defendant No. 1 is not only displaying false and misleading information pertaining to a project of the Plaintiff whose details have not been disclosed by the Plaintiff, but is also falsely holding itself out as an authorised channel partner of the Plaintiff, where no such authorisation exists.

29. A *prima facie* case has been made out by the Plaintiff as the alleged acts attributed to Defendant No. 1 are likely to cause confusion in the course of trade, such that the consumers may associate the Infringing Website with the Plaintiff, leading to erosion of consumer trust and dilution of the goodwill and reputation of the Plaintiff amongst the members of the trade and public. Thus, the balance of convenience lies in favour of the Plaintiff. Irreparable injury would be caused to the Plaintiff if an *ex parte ad-interim* injunction is not granted to the Plaintiff.

30. Accordingly, till the next date of hearing, it is directed as under:

30.1. Defendant No. 1, its partners or proprietors, officers, servants, agents, assigns in business, dealers and all others acting for and on its behalf are restrained from using, advertising, offering for sale, selling or directly or indirectly dealing in any goods or services, online or offline, under the Plaintiff's Trade Marks,

‘EXPERION’, , ,
, , , including the

mark, ‘EXPERION EMERELLE RESERVE’, or any other mark which is identical or deceptively similar to the Plaintiff's Trade Marks, whether as a trade mark, domain name or part



thereof, or in any other manner whatsoever, so as to cause infringement of the Plaintiff's Trade Marks and / or the Plaintiff's Copyright and / or passing off.

- 30.2. Defendant No. 2 shall remove, disable, take down and block the Infringing Website, www.experionemerellereserve.in within 72 hours from the receipt of the Notice and shall further file in a sealed cover / password protected document, all the Basic Subscriber Information, including the names, e-mail address, contact number, physical address, IP logs and registration details of the owner / registrant of the Infringing Website, within two weeks from the receipt of the Notice.
31. Let the Reply to the present Application be filed within a period of four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.
32. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.
33. List before this Court on 03.02.2027.

TEJAS KARIA, J

OCTOBER 16, 2026