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

CNR No. DLHC010498382026

+ **CS(COMM) 1124/2026**
IHHR HOSPITALITY ANANDA PVT. LTD. Plaintiff

Through: **Mr. Shantanu Sood, Mr. Shekhar Sri
Prakash and Mr. Abhay Singh, Advs.**

versus

ISHANEE VILLAS TECH PRIVATE LIMITED Defendant
Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
14.10.2026

I.A. 28627/2026 (under Section 151 CPC by the plaintiff seeking exemption from filing original documents, translations and clear copies)

1. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking exemption from filing original/certified/clear/typed copies of dim documents along with the captioned suit.
2. Original documents shall be produced/filed, if sought, strictly as per the provisions of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, "Commercial Courts Act") and DHC (Original Side) Rules, 2018.
3. Exemption is allowed, subject to all just exceptions.
4. Accordingly, the application is disposed of.



I.A. 28628/2026 (under Order XI Rule 1(4) read with Section 151 CPC seeking leave to file additional documents)

5. The present application has been filed on behalf of the plaintiff seeking leave to place on record additional documents.
6. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
7. The application is disposed of.

I.A. 28626/2026 (under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from pre-institution mediation and settlement)

8. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015.
9. 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. 28625/2026] is plausibly urgent and genuinely contemplated, for the reasons recorded in detail while dealing with I.A. 28625/2026.
10. The application is, therefore, allowed and the plaintiff is exempted from pre-litigation mediation.
11. The application stands disposed of.

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12. The plaint be registered as suit.
13. On filing of process fee, summons be issued to the defendant by all



permissible modes.

14. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendant 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 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. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

18. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 02.12.2026.

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

I.A. 28625/2026 (under Order XXXIX Rules 1 & 2 read with Section 151 CPC by plaintiffs)

20. The present application has been filed by the plaintiff seeking an *ex-parte ad-interim* injunction restraining the defendant, its promoters, directors, agents, representatives, franchisees, and online booking partners from using the mark "ANANDAM", "ANANDAM IN THE HIMALAYAS", or any other mark/trade name/tagline identical with or deceptively similar to the plaintiff's registered trade mark "ANANDA" and tagline "IN THE



HIMALAYAS" in respect of hospitality, resort, hotel, spa, and wellness services, so as to prevent trade mark infringement, passing off, dilution, and unfair competition.

21. The case set out in the application and the plaint is that the plaintiff is a private limited company incorporated under the Companies Act, 2013, having its principal place of business at C-26, Qutab Institutional Area, Green Park, New Delhi-110016, and is a well-known and established entity in the hospitality business.

22. It is stated that the plaintiff company was incorporated in its current form on 23.11.2015 through a demerger process. It is a subsidiary and group company of IHHR Hospitality Pvt. Ltd., which was incorporated in 1979 and inter alia conceived of, established and ran hotels and resort spas. In 1999, the earliest and most successful ANANDA hotel and resort SPA was established in Narendra Nagar, Uttarakhand. The resort has been in continuous operation since then i.e. for over 25 years.

23. It is submitted that the immense goodwill and reputation generated by the plaintiff is demonstrated by their revenue and promotional expenses, wherein for the year 2025 alone, the plaintiff generated revenues of Rs. 103,62,36,000 and incurred promotional expenses of Rs. 3,01,42,165.80, alongside receiving numerous national and international awards in the hospitality sector. Owing to the long, continuous and ubiquitous use of the mark 'ANANDA' for over 25 years, the plaintiff's trademarks have acquired a well-known character and are entrenched in the minds of the public who believe that the services rendered, and the goods offered under the trade name and mark 'ANANDA' are exclusively connected with the plaintiff and/or are indicative of its origin. The plaintiff is thus, entitled to the exclusive use of



the trademark ANANDA and the tagline IN THE HIMALAYAS.

24. It is further stated that the plaintiff is the proprietor of several trademarks containing the word 'ANANDA' in India as well as in foreign jurisdictions. In order to protect its statutory rights, the plaintiff applied for and obtained trade mark registrations for the word mark "ANANDA" in several classes under the Trade Marks Act, 1999. The particulars of the plaintiff's registrations in India, as delineated in paragraph 7 of the plaint, are extracted hereunder:

<u>TRADE MARK</u>	<u>REG NO.</u>	<u>REG DATE</u>	<u>CLASS</u>	<u>Goods / Services</u>
ANANDA	1238971	22-09-2003	42	Health Resort, Hotels and Spa.
ANANDA	833896	24-12-1998	03	Bath Salts For Toilet Purposes, Essential Oils, Shampoos, Potpourri Included in Class 3, Herbs and Herbal Preparations.
ANANDA	833897	24/12/1998	05	Ayurvedic And Herbal Preparations Included in Class 5
ANANDA	833899	24-12-1998	21	Potteries, Crockery and Glassware in Class 21.
ANANDA	833901	24-12-1998	30	Breads, Biscuits, Cakes, Pastries, Confectioneries, Sauces and Spices.
ANANDA	1616301	30-10-2007	41	Spa Institute

25. It is further stated that the plaintiff's registration for "ANANDA" under



Class 42 was obtained prior to the introduction and notification of Classes 43 to 45 in India. By virtue of Notification No. CG/F/PG-II/IPAA/2010/218 dated 23.08.2010 issued by the Controller General of Patents, Designs and Trade Marks, the plaintiff's Class 42 registration is valid, subsisting, and fully enforceable against infringing services covered under Classes 43 and 44, including hotels, resorts, health spas, and related hospitality services.

26. In addition, the plaintiff also holds registrations across multiple foreign jurisdictions including the European Union, the United Kingdom, the United States, Russia, UAE, and through WIPO.

27. It is further submitted that ever since the launch of the flagship property in 1999, the plaintiff has consistently and extensively paired the mark "ANANDA" with the tagline "IN THE HIMALAYAS", creating the composite identity and registered device. The said tagline forms an integral feature of the plaintiff's brand identity, and the property is universally known, referred to, and booked as "ANANDA - IN THE HIMALAYAS". The plaintiff's current use of its mark with the tag line is displayed below:



28. It is stated that the plaintiff has consistently used the tagline "IN THE HIMALAYAS" along with its mark "ANANDA" to denote the ANANDA hotel and Spa in Narendra Nagar, and this tagline forms an important feature of the plaintiff's identity.

29. It is further submitted that the plaintiff has incurred huge expenditure



in advertising and promoting its services and goods under the trade mark "**ANANDA**" across print, digital, and social media. The promotional and marketing expenditure incurred by the plaintiff from 2000 to 2025, as tabulated in paragraph 20 of the application, is extracted hereunder:

Year	Total advertising and promotional expenditure (Rs.)
2000	38,16,923
2001	59,00,916
2002	86,30,249
2003	45,44,342
2004	70,62,124
2005	1,87,44,967
2006	2,06,19,464
2007	2,24,20,644
2008	3,93,30,123
2009	3,02,44,285
2010	89,25,045
2011	1,05,68,935
2012	2,76,17,681
2013	3,79,80,633
2014	2,18,94,967
2015	2,06,51,280
2016	2,42,50,988
2017	3,08,93,187
2018	2,97,00,785



2019	2,92,57,225
2020	2,09,00,219
2021	45,76,083
2022	55,82,155
2023	1,81,86,267.53
2024	3,02,77,180.80
2025	3,01,42,165.80

30. It is also highlighted that the immense reputation and commercial goodwill enjoyed by the plaintiff is reflected in its sales turnover, which has consistently grown to over Rs. 100 Crores in the year 2025. The annual revenues generated by the plaintiff under the mark "**ANANDA**" are extracted below:

Year	Total Revenue (Rs.)
2000	5,00,41,115
2001	7,24,60,996
2002	7,33,17,915
2003	10,89,52,746
2004	17,50,78,037
2005	23,81,75,181
2006	30,20,61,455
2007	30,28,12,673
2008	28,68,56,855
2009	31,33,92,622
2010	31,35,26,748



2011	36,79,97,274
2012	41,23,94,507
2013	41,54,35,366
2014	47,49,00,703
2015	51,76,29,460
2016	53,33,92,081
2017	58,01,24,622
2018	58,46,46,148
2019	58,54,47,512
2020	56,31,28,871
2021	21,49,88,000
2022	47,54,98,000
2023	83,57,57,721
2024	89,70,69,000
2025	103,62,36,000

31. It is stated that the Plaintiff also maintains a significant online presence through its website at www.ANANDAspa.com (registered in 1999) along with social media handles such as on Instagram and on Facebook.

32. It is stated that the defendant, Ishanee Villas Tech Private Limited, is carrying out infringing activities using the plaintiff's registered and well-known marks 'ANANDA' and tagline 'IN THE HIMALAYAS' by operating a hotel under the confusingly similar name "ANANDAM IN THE HIMALAYAS", situated at Ugrasen Nagar, Rishikesh, Uttarakhand. This



deliberate adoption targets unwary consumers located within the jurisdiction of this Court.

33. It is stated that the defendant is promoting this property on its proprietary interactive booking websites www.elivaas.com and www.alayastays.com, as well as on third-party online travel and hotel aggregation portals such as *MakeMyTrip*, *Booking.com*, *Agoda*, and *Goibibo*.

34. Learned counsel has drawn attention of the Court to the fact that the defendant's hotel is located mere 21 kilometres from the plaintiff's flagship resort in Narendra Nagar, targeting the very same class of tourists, travellers, and wellness guests looking for luxury Himalayan getaways.

35. A comparative visual, phonetic, and structural table of the competing marks, as set out in paragraph 37 of the plaint, is extracted hereunder:

Defendant's Impugned Mark	Plaintiff's Mark
 The mark and tagline are represented in the same font and style as the Plaintiff's mark	ANANDA Represented as 

36. Learned counsel further draws attention of the Court to the photograph



of the defendant's building facade placed on record and reproduced in paragraph 37 of the plaint, which is extracted hereinbelow:



37. It is submitted that that the plaintiff issued a cease-and-desist notice to the defendant on 03.06.2026 demanding that the defendant desist from using the mark "ANANDAM" and the tagline "IN THE HIMALAYAS". The defendant duly received the notice but failed to respond or cease its unauthorized operations.

38. It is further submitted that the likelihood of confusion has already materialized into instances of actual confusion. In recent months, customers who booked the defendant's hotel under the impression that it was affiliated with or operated by the plaintiff arrived directly at the plaintiff's Narendra Nagar resort seeking to check in, only to be turned away after plaintiff's staff clarified that the defendant was an unrelated establishment.

39. Having heard the learned counsel for the Plaintiff and upon perusal of the averments made in the Plaint and the documents filed with the plaint, I am of the view that the plaintiff has made out a *prima facie*, strong case for grant



of an *ex-parte ad-interim* injunction against the defendant. The balance of convenience lies in favour of the Plaintiff and they are likely to suffer irreparable harm and injury, besides financial prejudice to the general public and unwary consumers, in case the *ex-parte ad-interim* injunction, as prayed for, is not granted. The apprehension of dent and damage to the goodwill and reputation of the plaintiff, *prima facie*, appears to be real and present.

40. Accordingly, till the next date of hearing, defendant, its partners/promoters/directors, as the case may be, its principal officers, employees, assigns, agents, distributors, franchisees, representatives, third party booking portals / travel agents and all others acting at its behest are restrained from using the trade mark ANANDAM IN THE HIMALAYAS or



or any other word / label trade mark(s) featuring the word ANANDA (or ANANDAM) or the tagline “IN THE HIMALAYAS” which are deceptively or confusingly similar to the Plaintiff’s registered trade mark ANANDA and/or its tagline “IN THE HIMALAYAS, either as part of their trade name, or as a trade mark, or as a domain name, or as a part of a domain name, or on their website, or social media handles, or in any other manner without the permission, consent, license of the plaintiff.

41. Issue Notice.

42. On plaintiff taking steps, Notice be served upon the defendant by all permissible modes including speed post, courier, e-mail, etc.

43. Let reply to the application be filed within a period of four weeks. Rejoinder thereto, if any, be filed before the next date.

44. Provision of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908



be carried out *qua* the defendant within a period of two weeks from today, and an affidavit of compliance be filed within one week thereafter.

45. List before the learned Joint Registrar for completion of service and pleadings on 02.12.2026.

46. List before the Court on 05.02.2027.

VIKAS MAHAJAN, J

OCTOBER 14, 2026/nsa/VB