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

\# **CNR No. DLHC010536482026**

\+ CS(COMM) 1199/2026

GOLDMEDAL ELECTRICALS PVT. LTD. .....Plaintiff

Through: Mr. Shravan Kumar Bansal and Mr. Saransh Saini, Advocates.

versus

BASHIR AHMED BHAT TRADING AS M/S R AND B ELECTRICALS .....Defendant

Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% 05.11.2026

I.A. No. 30737/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.

2. Accordingly, the Application stands disposed of.

I.A. No. 30736/2026 (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. Keerthi***, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.

5. The Application stands disposed of.

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CS(COMM) 1199/2026

6. Let the Plaint be registered as a Suit.

7. Issue Summons. Let the Summons be served to the Defendant through all permissible modes upon filing of the Process Fee.

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

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

10. 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.

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

12. List before the learned Joint Registrar on 22.01.2027 for completion of service and pleadings.

I.A. No. 30735/2026 (Additional Documents)

13. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ("**CPC**") as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

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14. 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.

15. Accordingly, the Application stands disposed of.

I.A. No. 30734/2026 (U/O XXXIX Rules 1 and 2 of the CPC)

16. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

17. The present Suit has been filed for permanent injunction restraining the Defendant from infringement of copyright, passing off, delivery up, unfair competition, etc.

18. Learned Counsel for the Plaintiff has made the following submissions:

18.1. The Plaintiff, *Goldmedal Electricals Pvt. Ltd.*, is a company incorporated on 14.06.2007 under the Companies Act, 1956, having its registered office at Mumbai, Maharashtra, and is engaged in the business of manufacturing and marketing a wide range of electrical goods such as electrical appliances, electrical accessories and fittings, wires and cables, PVC pipes, switches and various other allied goods.

18.2. The Plaintiff, through its predecessor, *M/s Bright Electricals*, Vijayawada, Andhra Pradesh, has been engaged in the said business since 1979-80 and adopted the Mark, 'GOLDMEDAL' as a Word Mark as well as in an artistic manner in the year 1979, which functions as the House Mark of the Plaintiff. Over the course of trade, the Plaintiff has also adopted and used variants of the said Mark, namely, 'GOLDMEDAL', ' Goldmedal ', '

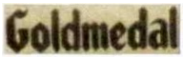
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‘’, ‘’, ‘’ and ‘’ (“**Plaintiff’s Marks**”). The word ‘GOLDMEDAL’ also forms part of the Trade Name of the Plaintiff. The Plaintiff acquired all rights in the Plaintiff’s Marks and the copyright in the artworks involved therein from *M/s Bright Electricalsvide* a Deed of Assignment dated 22.03.2013.

18.3. The registration of the Plaintiff’s Mark bearing Application No. 518258 in Class 09 was the subject of split assignments by *M/s Bright Electricals* in favour of *M/s Jainson Industries* and *M/s Jainson Switchgearsvide* Deeds of Assignment dated 03.05.1993, which were recorded by the Trade Marks Registry *vide* order dated 10.06.2003. The split portions of the said registration were subsequently re-assigned and now vest in the Plaintiff *vide* Deeds of Assignment dated 29.11.2013 executed by *M/s Jainson Industries* and *M/s Vandan Switchgear*.

18.4. The Plaintiff has its earliest registration for the Plaintiff’s Mark, ‘GOLDMEDAL’ since 17.02.1986 and has obtained registrations for the Plaintiff’s Marks in various classes.

18.5. The details of the registrations of the Plaintiff’s Marks are as under:

S. No.	Trade Mark	Application No.	Class	Date of Application	Status
1.	GOLDMEDAL (word mark)	449747	09	17.02.1986	Registered
2.		518258	09	12.10.1989	Registered
3.		518259	11	12.10.1989	Registered

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S. No.	Trade Mark	Application No.	Class	Date of Application	Status
4.	Goldmedal	603632	07	10.08.1993	Registered
5.	GOLDMEDAL	1719029	07	07.08.2008	Registered
6.	G Goldmedal	2517870	06	23.04.2013	Registered
7.	G Goldmedal	2517872	09	23.04.2013	Registered
8.	Goldmedal	603634	11	10.08.1992	Registered
9.	G Goldmedal	3098853	11	16.11.2015	Registered
10	G Goldmedal	2517877	35	23.04.2013	Registered
11	Goldmedal	2517884	39	23.04.2013	Registered

18.6. The Plaintiff is also the registered proprietor of the copyright in the artistic work, 'G GOLDMEDAL' / ' G Goldmedal ', ("**Plaintiff's Copyright**") bearing Registration No. A-151237/2024, with the year of first publication as 1979.

18.7. The goods of the Plaintiff under the Plaintiff's Marks are sold through its interactive website, www.goldmedalindia.com, and through third-party e-commerce platforms such as Amazon, Flipkart, IndiaMart and Moglix, and are also promoted on social media platforms such as Facebook, Instagram, X and YouTube.

18.8. The sales turnover of the Plaintiff in the Financial Year ("**FY**") 2022-2023 was ₹24,21,10,70,000/- and the sales turnover of the Wires and Cables Division of the Plaintiff alone in the FY 2024-2025 was ₹3,84,34,58,651/-. The Plaintiff incurred advertisement expenses of ₹73,11,28,453/- in the FY 2024-2025.

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18.9. The Defendant, Mr. Bashir Ahmed Bhat, is the sole proprietor of *M/s R & B Electricals*, Khonmoh, Srinagar, Jammu and Kashmir, and is engaged in the business of LED lamp lights, LED luminaires, heating apparatus, heating installations, ceiling fans, fan heaters and allied electrical goods ("**Impugned Goods**") under the Mark, 'GREAT MEDAL' / '' ("**Impugned Mark**").

18.10. In the second week of January 2026, while conducting a search on the records of the Trade Marks Registry, the Plaintiff came across Registration No. 4921704 dated 25.03.2021 obtained by the Defendant for the Impugned Mark in Class 11, on a 'proposed to be used' basis, in respect of LED lamp lights, LED luminaires, heating apparatus, heating installations, ceiling fans and fan heaters.

18.11. The Defendant had earlier filed Application No. 4189653 dated 28.05.2019 for registration of the Impugned Mark in Class 09 on a 'proposed to be used' basis in respect of, *inter alia*, copper wire, electric wires and cables, which was opposed by the Plaintiff. In the counter statement filed in the said opposition, the Defendant claimed use of the Impugned Mark since 28.05.2019, without filing any document in support thereof. The said application was abandoned *vide* order dated 22.11.2023 passed by the Registrar of Trade Marks under Rule 46(2) of the Trade Marks Rules, 2017, on account of non-filing of evidence by the Defendant in support of the application.

18.12. The Plaintiff has filed a petition, being C.O.(COMM.IPD-TM) 163/2026, before this Court seeking cancellation of Registration

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No. 4921704 of the Defendant, in which notice was issued on 12.05.2026 and which is pending adjudication.

18.13. The Defendant is soliciting, trading and marketing the Impugned Goods under the Impugned Mark through the e-commerce platform, IndiaMart, and the social media platforms, Facebook and YouTube. The representations of the goods of the parties placed on record show the Impugned Mark being used on wires and cables, LED bulbs and LED panel lights. The inquiry made by the Plaintiff in the market revealed that the Defendant has procured orders from dealers in Delhi for supplying the Impugned Goods under the Impugned Mark and is attempting to flood the markets in Delhi and adjoining areas with the Impugned Goods.

18.14. The Defendant is in the same line of business as the Plaintiff and has dishonestly adopted the Impugned Mark, which is deceptively similar to the Plaintiff's Marks, in order to ride upon the goodwill and reputation of the Plaintiff. The use of the Impugned Mark by the Defendant also constitutes infringement of the Plaintiff's Copyright. A comparative table between the Plaintiff's Marks and the Impugned Mark is as under:

Plaintiff's Marks	**Impugned Mark**
GOLDMEDAL	GREAT MEDAL
	

18.15. Electrical goods are sensitive products in respect of which quality and safety standards are paramount. The sale of inferior electrical

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goods under the Impugned Mark, which is deceptively similar to the Plaintiff's Marks, poses a risk of electrical malfunction, fire and personal injury, besides tarnishing the goodwill and reputation of the Plaintiff.

18.16. Insofar as goods falling in Class 09 are concerned, the Defendant does not hold any registration for the Impugned Mark, as the application of the Defendant in Class 09 stands abandoned in the opposition proceedings initiated by the Plaintiff. Thus, the Defendant has no statutory right to use the Impugned Mark in relation to such goods. Insofar as goods falling in Class 11 are concerned, the Plaintiff is the prior registrant as well as the prior user of the Plaintiff's Marks, and the registration obtained by the Defendant on a 'proposed to be used' basis does not protect the Defendant against an action for passing off.

18.17. Reliance was placed on ***GTV Asset Management Spolka Z Ograniczona Odpowiedzialnoscia v. Shilpa Nischal Gupta & Ors.***, CS(COMM) 1024/2024, order dated 19.11.2024, to submit that an *ex partead-interim* injunction may be granted even where the defendant is the registrant of the impugned mark on a 'proposed to be used' basis. Reliance was also placed on ***Himalaya Wellness Company & Ors. v. Vlado Sky Enterprise Private Limited***, CS(COMM) 682/2024, order dated 13.08.2024, to submit that a suit is maintainable even against a registered proprietor of a trade mark where the competing mark is identical with or nearly resembles the mark of the plaintiff, and that an injunction may be granted in such circumstances.

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18.18. Advance service of the present Suit has been effected upon the Defendant through e-mail.

19. 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 Marks and the Plaintiff's Copyright. The Plaintiff has been able to establish long and continuous use of the Plaintiff's Marks, through its predecessor, since the year 1979 with respect to electrical goods. The Plaintiff has demonstrated the goodwill and reputation acquired by the Plaintiff's Marks and the Plaintiff's Copyright. The sales turnover of the Plaintiff in the FY 2022-2023 was ₹24,21,10,70,000/- and the advertisement expenses of the Plaintiff in the FY 2024-2025 were ₹73,11,28,453/-.

20. The Impugned Mark, 'GREAT MEDAL' retains the word 'MEDAL', which forms the latter part of the Plaintiff's Marks, 'GOLDMEDAL', and substitutes the word 'GOLD' with the word 'GREAT', which also commences with the letter 'G' and conveys the same idea of excellence. The Impugned Mark is, *prima facie*, structurally and phonetically similar to the Plaintiff's Marks. The Defendant is using the Impugned Mark in respect of electrical goods, including wires and cables and LED lamps, which are identical to the goods of the Plaintiff and are sold through the same trade channels, including e-commerce platforms, to the same class of consumers. The adoption of the Impugned Mark by the Defendant, who is in the same line of business as the Plaintiff, is *prima facie* dishonest and nothing but an attempt to ride on the goodwill and reputation of the Plaintiff's Marks so as to cause confusion in the market.

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21. Insofar as goods falling in Class 09, such as wires and cables, are concerned, the Plaintiff is the registered proprietor of the Plaintiff's Marks in Class 09, with the earliest registration dating back to 17.02.1986, whereas the Defendant does not hold any registration for the Impugned Mark in Class 09. The application of the Defendant for registration of the Impugned Mark in Class 09, which covered, *inter alia*, copper wire, electric wires and cables, was opposed by the Plaintiff and was deemed to have been abandoned *vide*order dated 22.11.2023. Thus, the Defendant has no statutory right to use the Impugned Mark in relation to such goods, and such use, *prima facie*, amounts to passing off of such goods as the goods of the Plaintiff.

22. Insofar as goods falling in Class 11 are concerned, the Defendant holds Registration No. 4921704 dated 25.03.2021 for the Impugned Mark, which was obtained on a 'proposed to be used' basis. However, the Plaintiff is the prior registrant of the Plaintiff's Marks in Class 11, with the earliest registration in Class 11 dating back to 12.10.1989, and the prior user of the Plaintiff's Marks since the year 1979, whereas the Defendant claimed use of the Impugned Mark only since 28.05.2019 in the opposition proceedings pertaining to Application No. 4189653. Section 27(2) of the Trade Marks Act, 1999 preserves the right of action against any person for passing off goods as the goods of another person. Therefore, the registration of the Defendant in Class 11 does not, *prima facie*, come in the way of the Plaintiff at this stage. In ***GTV Asset Management*** (*supra*), a Coordinate Bench of this Court granted an *ex partead-interim* injunction notwithstanding that the defendant therein was the registrant of the impugned mark on a 'proposed to be used' basis. Similarly, in ***Himalaya Wellness*** (*supra*), an *ad-interim* injunction was granted against a defendant holding registrations for a deceptively similar

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mark. Further, the petition filed by the Plaintiff seeking cancellation of the registration of the Defendant in Class 11 is pending before this Court.

23. This Court also notes that advance service of the present Suit has been effected upon the Defendant. Despite the same, none has appeared on behalf of the Defendant.

24. A *prima facie* case has been made out by the Plaintiff as the alleged acts attributed to the Defendant are likely to cause confusion in the course of trade of the Plaintiff, such that the consumers may associate the Impugned Mark 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. As the Impugned Goods are electrical goods, the sale thereof under the Impugned Mark also affects the interest of the purchasing public. Thus, the balance of convenience lies in favour of the Plaintiff. Irreparable injury would be caused to the Plaintiff if an *ex partead-interim* injunction is not granted to the Plaintiff.

25. Accordingly, till the next date of hearing, the Defendant and the assignees in business, associates, affiliates, franchisees, licensees, distributors, dealers, stockists, retailers, agents and all others acting for and on behalf of the Defendant are restrained from manufacturing, selling, offering for sale, advertising in any manner including on the internet, e-commerce platforms and social media platforms, or directly or indirectly dealing in electrical goods, including LED lamp lights, LED luminaires, heating apparatus, heating installations, ceiling fans, fan heaters, wires and cables and other allied / cognate goods, under the Impugned Mark, 'GREAT MEDAL' / '' or any other Mark which is deceptively similar to the Plaintiff's Marks, 'GOLDMEDAL', '', '', '

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’, ‘ ’ and ‘ ’ and the Plaintiff’s Copyright, ‘G GOLDMEDAL’ / ‘ ’, so as to cause passing off of the Plaintiff’s Marks and / or infringement of the Plaintiff’s Copyright.

26. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

27. The compliance of Order XXXIX Rule 3 of the CPC be done within three weeks.

28. List before this Court on 03.03.2027.

TEJAS KARIA, J

NOVEMBER 5, 2026
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