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

+ CS(COMM) 22/2026

KHADI AND VILLAGE INDUSTRIES COMMISSION ...Plaintiff

Through: Ms. Shwetasree Majumder, Ms. Diva Arora Menon, Ms. Devyani Nath, Ms. Vani Sarin and Ms. Nidhi Pandey, Advocates.

versus

ENDURING BODY CARE LLP AND ORSDefendants

Through:

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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13.01.2026

I.A. 755/2026 (Exemption)

1. For the reasons stated therein, exemption is allowed, subject to all just exceptions.
2. The clear and typed/translated copies of the documents with proper margins of the dim annexures be filed within four weeks with an advance copy to the respondents
3. Accordingly, the application stands disposed of.

I.A. 753/2026 (Exemption from pre-litigation mediation)

4. This is an application filed by the plaintiffs seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015 ('CC Act').
5. As the present matter contemplates urgent interim relief, in light of the judgment of the Hon'ble Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-

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institution mediation is granted.

6. The application stands disposed of.

I.A. 754/2026 (Additional Documents)

7. The present application has been filed on behalf of the plaintiffs 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.

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

9. Accordingly, the application stands disposed of.

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10. Present suit has been filed seeking, *inter alia*, a decree of permanent injunction restraining defendant nos.1 to 4 and all others acting for and on their behalf from manufacturing, selling, offering for sale, marketing, advertising, directly or indirectly providing any kind of goods and/or services under the trademark KHADI VEDA/ , and/or domain name or any mark/trade name/domain name that is identical or deceptively similar to the plaintiff's registered KHADI trademarks, amounting to infringement or passing off of the plaintiff's registered trademarks.

11. Let the plaint be registered as a suit.

12. Upon filing of the process fee within a week, issue summons of the suit to the defendants through all permissible modes.

13. 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. Alongwith the Written Statement, the defendant shall also file an Affidavit of Admission/Denial of the documents of the plaintiffs, without which the



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

14. 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.

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

16. List before the Joint Registrar on 03.03.2026 for completion of service and pleadings.

17. List before Court on 21.05.2026.

I.A. 752/2026 (u/O XXXIX Rule 1 & 2, CPC)

18. Present application has been filed under Order XXXIX Rules 1 & 2, CPC seeking *ex-parte* injunction against the defendant nos.1 to 4 and all others acting on their behalf.

19. The plaintiff is a statutory body established by an Act of Parliament i.e. Khadi and Village Industries Commission Act, 1956 (*'the Act'*). It claims to be the registered proprietor of, *inter alia*, word mark KHADI and device



marks  and  and are stated to be registered across several classes.

20. Ever since its formation in the year 1957, the plaintiff has been carrying on work related to implementation of programs for the development of Khadi and other Village Industries (KVI) in the rural areas in coordination with other agencies. The plaintiff is the apex organization established under the



Ministry of Micro, Small and Medium Enterprises (MSME) to spearhead a number of projects of the central government aimed at providing rural employment, economic independence and self reliance. The plaintiff also implements the Prime Minister's Employment Generation Program (PMEGP) for upliftment and improvement of artisans, weavers, and other members of small-scale village and rural industries.

21. Plaintiff claims to have adopted the trade mark KHADI on 25.09.1956 and is continuing to use the same till date. It asserts that by virtue of adoption and use of trade mark KHADI for more than sixty years, the said trade mark is the sole and exclusive intellectual property of the plaintiff. The table of trade mark and its registration in various classes at various point of time is enumerated in para 11 of the plaint and extracted hereunder:-

Trademark	Registration no.	Registration Date	User Claim	Class	Status
KHADI	2851528	27.11.2014	25.09.1956	5	Registered
KHADI	2851552	27.11.2014	25.09.1956	35	Registered
	3863681	19.06.2018	25.09.1956	3	Registered
	3863683	19.06.2018	25.09.1956	5	Registered
	3864180	19.06.2018	25.09.1956	35	Registered
	2854720	02.12.2014	31.05.2000	3	Registered
	2854722	02.12.2014	31.05.2000	5	Registered



	2854742	02.12.2014	31.05.2000	35	Registered
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22. The plaintiff also asserts that the plaintiff's KHADI trade marks are also registered in various countries like Australia, Canada, New Zealand, USA etc. Plaintiff claims to host a number of websites under the domain name <http://www.kvic.gov.in/>, www.kviconline.gov.in and <http://kviconline.net.in/>, which are registered between the years 2002 to 2017 and also owns a website, www.khadiindia.gov.in, registered since 20.09.2020. It also claims presence in the major social media platforms like Facebook, Instagram and X (formerly Twitter). The plaintiff claims to have brought into force the Khadi Mark Regulations in the year 2013 and asserts that only an individual holding a valid certificate under Clause (k) of sub-section (2) of Section 15 of the Act can affix the KHADI mark. It claims to have around 8050 sales outlets spread across the country selling products under the KHADI trade mark. Plaintiff also asserts that the export value of the plaintiff's products was in the range of Rs.140 Crores in the year 2016 and Rs.71 Crores in the year 2016. Plaintiff claims a turnover of Rs.95,000 Crores in FY 2021, which is now recorded as a turnover of Rs.1,70,551.37 Crores in FY 2024.

23. Plaintiff claims that it has taken positive and preventive steps to protect its trade mark from time to time, wherein the plaintiff's proprietorship over the KHADI trade marks has been upheld. The plaintiff also claims that the trade mark KHADI has been declared to be well-known by this Court in CS(COMM) 133/2022 and CS(COMM) 244/2021 by the judgments passed on 26.07.2022. The trade mark KHADI has been included in the list of well-known trademarks by the Trade Marks Registry, which was published in the Trade Marks Journal bearing no.2065 dated 15.08.2022.



24. It is claimed that during a routine survey in the year 2021, the infringing mark i.e. KHADI VEDA was found as a Facebook page. It is stated that the counsel for the plaintiff spoke to the defendant no.4 informing the correct manner of use of the trade mark KHADI and that they are not permitted to use plaintiff's KHADI trade mark as part of the impugned mark

KHADI VEDA/  . It is claimed that despite assurance of rectifying the issue, the defendant no.4 did not take any action. A cease and desist notice dated 23.03.2021 was issued to defendant no.4, to which defendant no.4 is claimed to have assured of compliance. Plaintiff claims that despite such assurance, the defendant no.4 indulged in infringement via the website, www.khadivedaonline.com selling cosmetics products bearing the impugned mark.

25. Plaintiff claims that a search of database of the Trade Marks Registry revealed that various trade mark applications for the impugned mark KHADI VEDA were filed by defendant nos.2 & 3 under various classes on a proposed to use basis, which were either refused or objected to. A table enumerating the same, in para 40 of the plaint, is reproduced hereunder:-

Trademark	Application No.	Class	Date of Application	Status
	4221705	03	1 st July 2019	Refused
	4221706	05	1 st July 2019	Refused
	5294020	05	21 st January 2022	Objected



	4371575	30	9 th December 2019	Refused
	4371576	32	9 th December 2019	Refused

26. Plaintiff asserts that the defendant no.1 not only has infringed the trade mark KHADI on the products manufactured by it, but also has indulged in misrepresentation by stating on its website as if it is associated with the plaintiff. According to the plaintiff, this is not just misrepresentation but also blatant violation of plaintiff's trade mark guidelines.

27. A cease and desist notice was yet again issued on 27.07.2023 to which a reply dated 12.10.2023 was sent by defendant no.3 assuring compliance of the rules, regulations and requisitions as put forth by the plaintiff.

28. Plaintiff also states that defendant no.4 is well aware of the suit bearing CS(COMM) 305/2023 titled *Khadi and Village Industries Commission vs. Ankita Arvind Kubadia and Anr.*, which was decreed *vide* order dated 28.05.2025 on a joint application under Order XXIII Rule 3, CPC. It is claimed that defendant no.4 along with his relatives and associates has set up multiple units to sell cosmetic and related products under various KHADI formative marks, falsely claiming rights to use the plaintiff's KHADI trade marks, through the defendant no.4's proprietorship concern's (Everyday Herbal Beauty Care) affiliation with the plaintiff.

29. It is stated that the plaintiff placed an order for the products in May, 2025, which categorically depicted and indicated the infringement of plaintiff's trade mark, apart from the misrepresentation. The photograph of such product is enumerated in para 54 and is reproduced hereunder:-



Further, it was observed from the reverse side of the product packaging that the plaintiff's trade mark  along with a KVIC registration number GJA/218/06-07/19 was mentioned on the packaging.

30. Predicated upon the above, the plaintiff claims gross infringement of their trade mark by the defendants and seek *ex-parte ad* interim injunction.

31. Having heard Ms. Majumder, learned counsel for the plaintiff, *prima facie*, it appears that the defendants are infringing the registered trade mark KHADI of the plaintiff. The dishonesty is also palpable in view of the various replies to the cease and desist notices issued by the plaintiff, however, the same have not been complied with by the defendants, particularly, defendant no.4. Defendant no.4, being an affiliate and a beneficiary under the scheme of the Act, cannot be stated to be unaware of the plaintiff's trade mark KHADI. Despite such knowledge, *prima facie*, it appears that the use of the trade mark

KHADI VEDA/  is dishonest. In such circumstances, the plaintiff appears to be entitled to an *ex-parte ad* interim injunction. The balance of convenience is clearly tilted in favour of the plaintiff since the trade mark KHADI is not only registered under various classes on 27.11.2014,



19.06.2018 and 02.12.2014 but also has been declared to be a well-known trade mark by this Court in judgments passed in CS(COMM) 133/2022 and CS(COMM) 244/2021, delivered on 26.07.2022. It also appears that the Trade Marks Registry also list the plaintiff's trade mark as a well-known trade mark. In case an *ex-parte* injunction as sought is not granted and the defendants are not restrained from continuing with their infringing activities, irreparable loss and injury, which may not be completely compensated in monetary terms, would be caused to the plaintiff. Further, if the defendants are not restrained from continuing with the infringement, it would lead to confusion and deception among the customers and general public.

32. Having regard to the aforesaid, the following directions are passed:-

- i. Defendant nos.1 to 4 and all others acting for and on their behalf are restrained from manufacturing, selling, offering for sale, marketing, advertising, directly or indirectly providing any kind of goods and/or services under the trade mark KHADI VEDA/ , and/or domain name or any mark/trade name/domain name that is identical or deceptively similar to the plaintiff's registered trade marks KHADI, amounting to infringement of the plaintiff's registered trade marks; or to passing off of defendant nos.1 to 4's goods, services and business as those of the plaintiff's;
- ii. Defendant no.5 is directed to suspend and lock the impugned domains 'khadivedaonline.com' and 'khadiveda.in' during the pendency of the suit, as well as to disclose complete details of the registrant of the domain names 'khadivedaonline.com' and 'khadiveda.in';
- iii. Defendant nos.1 to 4, their partners, directors, servants, representatives, agents, distributors, and all others acting for and on their behalf are restrained from using the email address info@khadiveda.in or any other



email address that incorporates the plaintiff's registered trade mark KHADI or the impugned mark KHADI VEDA during the pendency of the suit;

- iv. Defendant nos.1 to 4's social media pages on Facebook, Instagram, X, LinkedIn, and Pinterest and listings of products bearing the impugned

marks KHADI VEDA/  from e-commerce platforms such as Amazon and Flipkart be taken down forthwith;

33. Let a reply to this application be filed by the defendants within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

34. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

TUSHAR RAO GEDELA, J

JANUARY 13, 2026/kct/rl