

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT NO. 175 OF 2023

Parle Agro Pvt. Ltd. ...Plaintiff

Versus

Evika Food & Ors. ...Defendants

CONSENT TERMS

1. The Defendants admit and acknowledge that the Plaintiff is the proprietor and has exclusive ownership, goodwill, reputation and common law rights in the trademarks/labels listed in Exhibits 'A-1', 'A-2', 'B' and 'C-1' to 'C-3' to the plaintiff.
2. By Consent, Decree in terms of prayers (a) & (b) to the Plaint as under:-
 - a) That the Defendants by themselves, their servants, subordinates, representatives, stockists, dealers, agents and all other persons claiming through or under them be restrained by an order and injunction of this Hon'ble Court from in any manner using the impugned shape of the bottles and labels described in Exhibits 'J' and 'L' to the plaint or any other bottle or label that is identical

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with or deceptively similar to the Plaintiff's registered Trade Mark Nos. 3456563, 4220484, 4220485 and 4220487 being Exhibits B and C-1 to C-3 in relation to any goods falling in Class 32, so as to infringe the same;

b) That the Defendants by themselves, their servants, subordinates, representatives, stockists, dealers, agents and all other persons claiming through or under them be restrained by an order and injunction of this Hon'ble Court from in any manner using the impugned shape of bottles, colour scheme, labels, artwork, layout and/or trade dress described in Exhibits 'J' and 'L' to the plaint or any other shape of the bottle, colour scheme, label, artwork, get-up, layout and trade dress that is identical with or deceptively similar to the Plaintiff's shape of the bottle, colour scheme, label, artistic works, get-up, layout and trade dress as described in Exhibits 'A-1', 'A-2', 'B' and 'C-1' to 'C-3' to the plaint, or any part thereof so as to pass off their impugned products as and for those of the Plaintiff;

3. The Defendants by themselves, their servants, agents, sister concerns and associates agree and undertake not to use the impugned marks and labels depicted in Exhibits 'J' and 'L' to the plaint (reproduced herein as

Annexure-1) or any other mark/label that is identical with or deceptively similar to any of the Plaintiff's Marks/labels.

4. The Defendants agree and undertake that they shall withdraw the



trademark application for the mark filed by them under no. 5529679 in class 32 within 7 days from the execution of the present Consent Terms and shall forward a copy of the application for withdrawal to the Plaintiff's counsel.

5. The Defendants declare that they do not have any registrations nor do they have any pending application for registration of any trade mark/label that is identical with or deceptively similar to or containing any of the Plaintiff's trade marks/labels save and except as stated above. Similarly, the Defendants declare that they do not have any registration nor have they applied for registration of copyright in respect of any artistic work of any of their label or of any other artwork that is identical with or is a colourable imitation or substantial reproduction of the Plaintiff's artistic works in its labels.

- 4
6. The Defendants agree and undertake that they shall within a period of 15 days from the execution of the extant Consent Terms, destroy all products/packaging/promotional material/print material, etc. bearing the impugned mark/label at their own costs and expenses in the presence of the Plaintiffs' representatives.
 7. The Defendants agree and undertake to remove all use of the impugned mark/label appearing on any of their websites, online trade portals, social media and on any other websites and/or webpage on the internet where they appear, within a period of 7 days from the date of execution of these Consent Terms.
 8. The Defendants agree and undertake that henceforth, they shall not manufacture, sell, market or cause to be manufactured or sold or marketed, any product bearing or containing any mark, label, artistic work, trade dress, shape of the bottles or colour scheme that is identical with and/or deceptively similar to any of the Plaintiff's marks/labels, artistic works, trade dress, shape of the bottles or colour scheme of its labels/cartons/products.
 9. The Defendants agree with the Plaintiff and undertake to this Hon'ble Court that they shall not file any application(s) seeking registration of any

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mark/label identical with or deceptively similar to the Plaintiff's marks/labels or any other trade mark/label containing the Plaintiff's trade mark/label as a part thereof in respect of any goods and/or services. The Defendants also agree and undertake to this Hon'ble Court that they shall not file any application(s) seeking registration of copyright in respect of the any artwork that is identical with or is a colourable imitation or substantial reproduction of the Plaintiff's artwork in its labels.

10. The Defendants undertake to file an affidavit of compliance within one month.

11. In view of the above, the Plaintiff does not press for any other relief against the Defendants.

Dated this 1st day of September, 2023

For Parle Agro Private Limited
Plaintiff

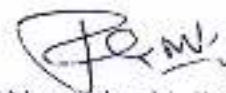


(Raj Rao)

~~Constituted Attorney for the Plaintiff~~

*Authorised Signatory for
the Plf.*

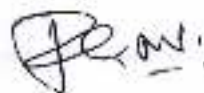
Evika Food
Defendant No.1



(Narendra V. Rank)

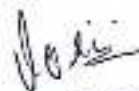
Partner

Defendant No.2



(Naredra V. Rank)

Defendant No.3



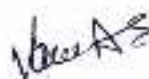
(Jagruti N. Rank)

Defendant No.4



(Sanjay R. Borad)

Defendant No.5



(Akul J. Vora)



Ramesh Gajria
Prop. Gajria & Co.
Advocates for the Plaintiff



Advocate for the Defendants

ANNEXURE – 1



**CERTIFIED TRUE COPY OF THE BOARD RESOLUTION PASSED
AT THE MEETING OF THE BOARD OF DIRECTORS OF PARLE
AGRO PRIVATE LIMITED HELD ON 30TH AUGUST, 2022 AT THE
REGISTERED OFFICE OF THE COMPANY**

**Authority to Mr. Raj Rao, Dy. General Manager – Legal for Legal
Matters:**

“RESOLVED THAT Mr. Raj Rao, Dy. General Manager – Legal of the company be and is hereby authorised either directly or through Attorneys/Advocates to commence, prosecute, enforce and to enter an appearance in, defend, answer or oppose all suits, writ petitions or other legal proceedings or any of the matters relating to Company, to accept services of any writ, summons or other legal process, to represent the Company in or before every or any authority of Central Government, State Government, Semi - Government, Judicial, Quasi Judicial, Forum, courts whether civil, criminal, industrial or revenue, Tribunal or other authority and for that purpose to make and sign and verify all plaints, written statements, applications, affidavits, memoranda of appeal, petitions or any other documents, and to compromise, refer to arbitration, abandon, submit to judgment or become non-suited in any such suit or proceeding as aforesaid and to appeal against any judgment order or decision of any Court, Tribunal or authority also to file Police complaints and register FIR in which the Company is or may be interested or concerned on behalf of Company.”

“RESOLVED FURTHER THAT Mr. Raj Rao, Dy. General Manager – Legal, be and is hereby authorized to commence, prosecute, enforce, defend, depose evidence, answer, oppose or appeal and other legal proceedings before any authority of Central Government, State Government, Semi - Government, Judicial, Quasi Judicial, Forum, any court whether civil, criminal, industrial or revenue in which the Company is or may be interested or concerned on behalf of the Company.”

“RESOLVED FURTHER THAT the certified copy of the Resolution may be issued by any one of the Director and the Company Secretary of the Company.

For Parle Agro Private Limited

Schauna Chauhan

**Schauna Prakash Chauhan
Director
DIN: 00078965**

For Parle Agro Private Limited

Bhalchandra Shripad Virkar

**Bhalchandra Shripad Virkar
Company Secretary**

Parle Agro Pvt. Ltd.
Regd. Corporate Head Office:
Off Western Express Highway,
Sahar - Chakala Road, Parslwada,
Andheri (E), Mumbai 400 089

T: 022 - 6734 8000
F: 022 - 6693 5050
E: info@parleagro.com
www.parleagro.com
CIN: U15130MH1985PTC038459

राज्य सरकार
राज वज्रराम राव
Raj Vajram Rao
जन्म तारीख/DOB: 28/04/1982
पुरुष/ MALE
Mobile No: 9820291915
3774 3269 3082
VID : 9118 0640 0247 5037

माझे आधार, माझी ओळख

भारतीय विदेशी बहचान प्राधिकरण
भारतीय विदेशी बहचान प्राधिकरण OF INDIA

पता:
S/O: वज्रराम राव, 56/2 फ्लैट बिल्डिंग, ग के मर्म, ले
गे डायग्नोस्टिक सेंटर, मराठे, मुंबई, मुंबई,
महाराष्ट्र - 400018

Address :
S/O: Vajram Rao, 56/2 Flat Building, G K
Marm, J C Diagnostic Centre, Worli, Mumbai,
Maharashtra - 400018

3774 3269 3082
VID : 9118 0640 0247 5037

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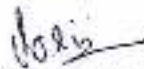
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Authority Letter

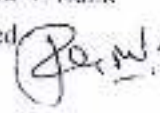
RE: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT NO. 175 OF 2023
Parle Agro Pvt. Ltd. ...Plaintiff
Versus
Evika Food & Ors....Defendants

I, Jagruti N. Rank one of the Partners of Evika Food (Defendant No.1) hereby authorize our other Partner Mr. Narendra V. Rank to remain present on my behalf in the captioned matter listed before the Hon'ble Court on 01.09.2023 for filing of Consent Terms. The parties have amicably settled the matter and have executed Consent Terms. I have perused and signed the Consent Terms however, I am unable to remain present before the Hon'ble Court hence I am issuing this authority in his favour.

Dated this 31st August, 2023


Jagruti N. Rank

Narendra V. Rank

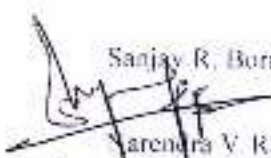
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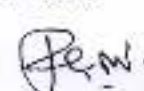
Authority Letter

RE: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT NO. 175 OF 2023
Parle Agro Pvt. Ltd. ...Plaintiff
Versus
Evika Food & Ors....Defendants

I, Sanjay R. Borad, one of the Partners of Evika Food (Defendant No.1) hereby authorize our other Partner Mr. Narendra V. Rank to remain present on my behalf in the captioned matter listed before the Hon'ble Court on 01.09.2023 for filing of Consent Terms. The parties have amicably settled the matter and have executed Consent Terms. I have perused and signed the Consent Terms however, I am unable to remain present before the Hon'ble Court hence I am issuing this authority in his favour.

Dated this 31st August, 2023


Sanjay R. Borad
Narendra V. Rank
Accepted,



Authority Letter

RE: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT NO. 175 OF 2023

Parle Agro Pvt. Ltd. ...Plaintiff

Versus

Evika Food & Ors. ...Defendants

I, Akul J. Vora, one of the Partners of Evika Food (Defendant No.1) hereby authorize our other Partner Mr. Narendra V. Rank to remain present on my behalf in the captioned matter listed before the Hon'ble Court on 01.09.2023 for filing of Consent Terms. The parties have amicably settled the matter and have executed Consent Terms. I have perused and signed the Consent Terms however, I am unable to remain present before the Hon'ble Court hence I am issuing this authority in his favour.

Dated this 31st August, 2023

Akul J. Vora

(Signature)

Narendra V. Rank

Accepted

(Signature)



ભારત સરકાર

Government of India

—(Digitally signed by Enrolment No., 900000555/92777)

[illegible]

697-6384721



आमारे / Your / Your No. :

6053 9577 3530

મારો નામ, મારી ઓળખ



श्रीरतन सरदार
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મારો , મારી ઓળખ

For Shree HariKrishna Food

Prakash Food
Partner



સુવર્ણચંદ્રિકા



સુવર્ણચંદ્રિકા

- ઓગળનું પ્રમાણ છે. નાગરિકતાનું નહિ.
- ઓગળનું પ્રમાણ ઓનલાઇન વીડિયોકેશન દ્વારા પ્રાપ્ત કરી શકાય છે.

- It is proof of identity, not of citizenship.
- To establish identity, authenticate online.

- દેશભરમાં માન્ય છે.
- સરકારી અને બિન-સરકારી સેવાઓની હાથ મેળવવામાં ઉપયોગી થશે.
- It is valid throughout the country.
- It will be helpful in availing Government and Non-Government services in future.

Unique Identification Authority of India

સરકારી સેવાઓ માટે ઓગળનો ઉપયોગ કરી શકાય છે.
સરકારી સેવાઓ માટે ઓગળનો ઉપયોગ કરી શકાય છે.
સરકારી સેવાઓ માટે ઓગળનો ઉપયોગ કરી શકાય છે.

Address: C/O. State Bank Bldg.
Maya Kanta Bhadani, Mahatma Road,
Gurgaon, Haryana 122001
Phone: 012-261-1111



6053 9577 3530



For Shree Hari Krishna Fow

[Signature]
Partner



भारत सरकार
GOVERNMENT OF INDIA



रैंक जागृतीबेन नरेन्द्रभाई

Rank Jagrutiben Narendrabhai

जन्म तिथि / DOB: 01/01/1986

महिला / FEMALE

Mobile No.: 9909060140

3796 6457 1217

VID : 9175 1903 3564 3445



मेरा आधार, मेरी पहचान

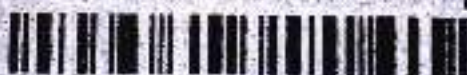


पता:

W/O नरेन्द्रभाई, बी-4-808, मेघ मयूर रेसिडेंस, नजदीक
गायत्री मंदिर जी आई डी सी, कन्नड हॉली मार्ग, पार्दी,
वाल्साद,
गुजरात - 396191

Address:

W/O Narendrabhai, B-4-808, megh mayur
residency, near gayatri mandir, kannad
hall road, Pardi, Valsad, Gujarat - 396191



QR Code with Photograph



1947

1900 200 1947



help@uidai.gov.in

WWW

www.uidai.gov.in

P.O. Box No. 1947,
Bengaluru-560 001



भारतीय प्रविष्टि पहचान प्राधिकरण
Unique Identification Authority of India



आधार

Issue Date: 10/01/2016



બોરાડ સંજય રાઘવભાઈ
Borad Sanjay Raghavbhai
જન્મ તારીખ / DOB : 14/10/1986
પુરુષ / MALE



સુરક્ષિત દસ્તાવેજ
Secure Document

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मेरा आधार, मेरी पहचान



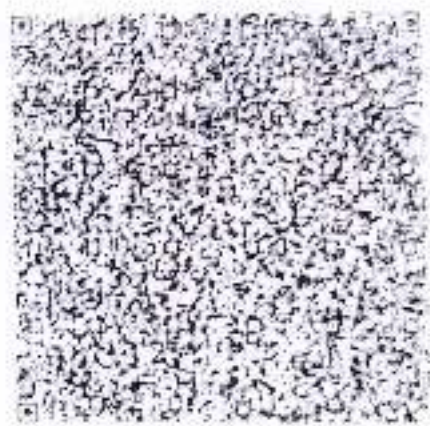
भारतीय प्रविष्टि पहचान प्राधिकरण
Unique Identification Authority of India



आधार

Print Date: 24/05/2021

સરનામું : બોરાડ સંજય રાઘવભાઈ, બી 4 ફ્લેટ
નો 703 મેઘ મયુર રેસિડેન્સ, ગ્રીન વ્યૂ હોટેલ
પાછાન, ગુંજન, ગુંજન, વાપી, વલસાડ, ગુજરાત,
396191
Address BORAD SANJAY RAGHAVBHAI, B
4 FLAT NO 703 MEGH MAYUR
RESIDENCY, BEHIND GREEN VIEW
HOTEL, GUNJAN, GUNJAN, Vapi, Valsad,
Gujarat, 396191



7552 9773 7082

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMIP SUIT NO. 175 OF 2023

Parle Agro Pvt. Ltd. ...Plaintiff
Versus
Evika Food & Ors. ...Defendants

Consent Terms

Dated this 1st day of September, 2023

Gajria & Co.
Advocates for the Plaintiff
A-III Jeevan Jyot, Cawasji Patel St.,
Fort, Mumbai-400001
Adv. Code: 353