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

+ **CS(OS) 432/2016 & IA No.10541/2016**

HPL ELECTRIC & POWER LTD & ORS Plaintiffs

Through : Mr Dushyant Dave and Mr Sandeep
Sethi, Sr Advs with Mr Rishi
Aggarwala, Mr Karan Luthra and Ms
Gunika Gupta, Advs

versus

DEEPESH AGARWAL & ORS Defendants

Through : Mr Rajiv Nayar, Sr Adv with Mr
Sudhir Sharma, Mr Pradyuman
Dubey, & Ms Neetu Mohan, Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.09.2016

1. The principal grievance of the plaintiffs in the present suit is that a report (styled as PRE-IPO NOTE) published by the defendants in respect of the plaintiff company is inaccurate and to a certain extent, is considered by the plaintiff to be damaging to its reputation.

2. Mr Nayar, the learned senior counsel appearing on behalf of the defendants, without prejudice to his contention that the suit is not maintainable, submits that the defendants would be willing to make necessary changes in its report to address the concerns of the plaintiffs even though, according to the defendants, the concerns seem to be unjustified.

3. Mr Nayar, on instructions, suggests that following changes (the addition highlighted in bold and the deletions represented by scoring the words) be made in the report in question:-

1. In the fifth line of the opening paragraph of the report:

"... We have corporate governance concerns given: (a) Group Companies use Havells' ~~brand~~ **as part of their Corporate names** against which Havells has filed a case; and ..."

2. In the heading of the fourth paragraph of the report:

Group Companies use Havells ~~brand~~ **as a part of their corporate name**; large related - party transactions.

3. In the fourth paragraph of the report:

"Havells Private Ltd and Havells Electronics are promoter group entities doing electrical business using Havells ~~brand~~ **as a part of their corporate names..**".

4. In the last paragraph of the fourth page of the report:

"Two Group entities - Havells Private Ltd. and Havells Electronics - use Havells' name despite this brand being bought by Havells' India in 1971. Havells has filed litigation against HPL promoters for ~~using their brand~~ **use of the word "Havell's" as part of a trademark or corporate name**".

4. Mr Sethi, states that the said changes are acceptable and with the aforesaid modifications, the plaintiff's grievances stand addressed. Mr Nayar, states that the abovementioned changes will be carried out within a period of four days. The defendants are bound down to the

said statement.

5. In the circumstances, Mr Sethi seeks to withdraw the present suit.

6. Accordingly, the suit along with pending application are dismissed as withdrawn.

VIBHU BAKHRU, J

SEPTEMBER 06, 2016

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