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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 482/2018 & I.A. 18638/2013

M/S ALLIED BLENDERS AND
DISTILLERS PVT LTD

..... Plaintiff

Through

Mr. Sanjay Chhabra with
Ms. Vijaylakshmi and Mr. Pundreek
Dvivedi, Advocates

versus

PRAG DISTILLERY PVT LTD & ANR Defendants

Through

Mr. Manish K. Mishra with
Mr. Abhijeet Rastogi, Advocate for
D-1.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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26.11.2018

Today in Court, learned counsel for defendant no. 1 has handed over a photocopy of the order dated 9th August, 2018 passed by National Company Law Tribunal, Mumbai Bench in MA 309/2018 in CP 1067/2017. By the said order, a liquidator has been appointed to manage affairs of defendant no. 1.

On 10th May, 2018 this Court had passed the following order:-

“Learned counsel for the defendant no. 1 states that the rehabilitation proposal has been rejected by the Committee of Creditors. She states that defendant no. 1 is now in the process of being wound up. She, however, states that a formal order is

yet to be passed by the NCLT.

In response to a query from this Court, learned counsel for the defendant no. 1 clarifies that defendant no. 1 is at the moment not using the impugned mark in question.

List on 28th August, 2018.

In the meantime, no third party rights with regard to the impugned mark shall be created.”

Since defendant no. 1 is admittedly not using the impugned mark in question, this Court directs the Liquidator to give four weeks prior notice to the plaintiff in the event the Liquidator wishes to assign or create third party rights with regard to the mark in question.

With the aforesaid direction, present suit and pending application stand disposed of.

MANMOHAN, J

NOVEMBER 26, 2018

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