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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 437 OF 2025
WITH
INTERIM APPLICATION NO. 10643 OF 2025**

Gem and Jewellery Export ... Appellant
Promotion Council

Vs.

Jewel Trendz Private Limited ... Respondent

Mr. Ashish Kamat, Senior Advocate a/w.Mr. Peshwan Jehangir, Mr. Yash Chokshi, Mr. Naren Nimbalkar and Ms. Isrita Bagchi i/b. M/s. Khaitan and Co. for the Appellant.

Mr.Filji Frederick a/w. Ms. Samruddhi Naik, Ms. Nikita Borde Patil, Ms. Tirthi Raut and Ms. Ayushi Agrawal i/b. FF & Associate for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 31st JULY 2025

ORDER :

1. Not on board. Taken on the production board.
2. Learned senior counsel points out the exclusion of the civil court's jurisdiction under Section 61 of The Competition Act, 2002. He submits that though the bar of jurisdiction was pointed out to the trial court, an ad-interim injunction is granted in favour of the plaintiff, by keeping the Code of Conduct in abeyance. He submits that the exhibition

scheduled by the appellant is from 30th July 2025 to 4th August 2025. He submits that in view of the ad-interim relief the appellant will not be able to take any action pursuant to the Code of Conduct. He submits that the Code of Conduct would be rendered redundant if such ad-interim relief is continued. He further points out the prayers in the suit. He submits that the plaintiff has made a prayer for making a reference to the Competition Commission of India. He therefore submits that, though the plaintiff is aware about the bar of civil court's jurisdiction, the suit is filed for simplicitor injunction, only to defeat the appellant's right to implement the Code of Conduct.

3. In view of the bar under Section 61 of the Competition Act, 2002, the impugned order granting the ad-interim injunction would not be sustainable and grant of such an injunction at this stage would completely defeat the appellant's right. Hence, the impugned order shall remain stayed till the next date.

4. List the appeal on 8th August 2025. To be listed under the caption for "Fresh Admission".

[GAURI GODSE, J.]