

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION

**INTERIM APPLICATION NO.5612 OF 2025  
IN  
COMMERCIAL IP SUIT NO.538 OF 2025  
WITH  
COURT RECEIVERS REPORT NO.486 OF 2023  
WITH  
LEAVE PETITION (L) NO.30758 OF 2023**

Neon Laboratories Limited

...Plaintiff

**Versus**

Syndicate Pharma

...Defendant

VISHAL  
SUBHASH  
PAREKAR

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VISHAL SUBHASH  
PAREKAR  
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*Mr. Rashmin Khandekar a/w. Ms. Pooja Jain and Ms. Taniya Shaikh, Mr. Aniket Katre and Ms. Priyanka More, for the Plaintiff.  
Ms. Manashree Engineer i/b. Gordhandas & Fozdar, for the Defendant*

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**CORAM : SHARMILA U. DESHMUKH, J.**

**DATE : DECEMBER 10, 2025**

**P. C. :**

**IA No. 5612 of 2025 :-**

1. By order dated 7<sup>th</sup> November, 2023, ad-interim relief was granted in respect of infringement of trade mark and the rival mark is identical trade mark "NEON".
2. Subsequently, the Defendant has filed its written statement and has stated in paragraph 1 that the prayer clauses (a), (b), (e), (f), (g) and

(h) in the Plaint have become infructuous in as much as Defendant has stopped using the impugned mark since 17<sup>th</sup> December, 2022. The same averment is reiterated in paragraph 2.1 of the written statement.

3. In view of the pleadings in the written statement, Mr. Khandekar, learned counsel appearing for the Plaintiff would seek confirmation of the ad-interim relief granted by order of 7<sup>th</sup> November, 2023.

4. Learned counsel for the Defendant does not oppose the said application and would submit, on instructions, that ad-interim be confirmed as interim relief.

5. In light of the said statement, ad-interim relief granted by order dated 7<sup>th</sup> November, 2023 is confirmed as interim relief.

6. By order of even date, this Court has allowed the Leave Petition. and Mr. Khandekar would submit that the relief in respect of passing off be granted by this Court.

7. There is *prima facie* finding that the impugned products are counterfeit products and all the essential features of the registered trade mark of the Plaintiff have been copied. It is therefore evident that there is misrepresentation. In so far as goodwill and reputation is concerned, the sales turnover and advertisement expenses have been set out in the Plaint. As the rival mark is identical, the use of the mark is liable to cause damage to the Plaintiff's goodwill and reputation. A strong *prima facie* case is made out for grant of interim relief in

respect of passing off.

8. In light of above, Interim Application is allowed in terms of prayer clause (a) and (b).
9. Court Receivers Report is disposed of.
10. Court Receiver stands discharged without passing off accounts.
11. All costs, expenses and charges of the Court Receiver to be paid within 8 days of demand being raised by the Court Receiver.

LPETNL No. 30758 of 2023 :-

12. Petition seeks leave under clause XIV of the Letters Patent for combining the cause of action of infringement of trademark with the cause of action for passing off. There is no opposition to the said Petition.
13. Leave Petition stands allowed.

**[SHARMILA U. DESHMUKH, J.]**