



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

INTERIM APPLICATION NO. 6732 OF 2025
IN
COMMERCIAL IP SUIT NO. 56 OF 2024

Hindustan Unilever Limited ... Applicant/Plaintiff.

Versus

Partha Saha ... Respondent/Defendant.

Mr Rashmin Khandekar, Ms Niyati Davawala and Mr Anil Shete i/by Niyati Davawala for the Applicant/Plaintiff.
Mr Deepak S. Bhalerao, 2nd Assistant to Court Receiver, present.

Coram : Sharmila U. Deshmukh, J.

Date : November 17, 2025

P.C. :

1. Interim Application has been preferred by the Plaintiff seeking permission to destroy the infringing goods bearing counterfeit marks which were seized by the Court Receiver as mentioned in the Court Receiver's Report No.279 of 2024 and Court Receiver's Report No. 344 of 2024 by removing the seal and retaining few samples of each of the goods for the purpose of trial.
2. Learned Counsel appearing for the Plaintiff tenders the affidavit of service evidencing service upon the Defendants. None for Defendants.
3. The Application specifically pleads that counterfeit goods were

seized from the Defendants' premises by making inventory and are kept in the Plaintiff's premises on *superdari*. The inventory of said goods is at page 75 to 78, 80,85 to 88 and at page 121. Mr. Khandekar would submit that these products are otherwise of substandard quality and are deteriorating making it unviable to keep them stored for long period of time as it may pose health hazard at storage place. He submits that no purpose would be served by preserving counterfeit products and for the purpose of trial, a few samples can be retained by making fresh inventory.

4. After execution of commission, no reply has been filed by the Defendants. The action was initially in the nature of John Doe action and subsequently the Defendants were identified, who are the manufacturers.

5. Considering the limited shelf life of the products, which are even otherwise counterfeit, and are of substandard quality, no purpose will be served by keeping the seized goods in custody till the hearing and final disposal of suit. For the purpose of trial, few samples of the goods so seized can be retained by making a fresh inventory.

6. The commission was executed and the goods were seized which are substantial in number. The goods having limited shelf life, are already deteriorating and as the same are counterfeit, destruction is

the only option.

7. In the light of above, Interim Application is allowed by permitting the Plaintiff to de-seal the infringing goods and destroy the same by making a fresh inventory of destroyed goods and fresh inventory of the retained samples.

8. Fresh inventory of the destroyed goods to be filed in this Court within a period of four weeks from today.

9. The Court Receiver stands discharged without passing off accounts. All costs, charges and expenses of the Court Receiver to be paid by the Plaintiff within a period of 8 weeks of demand being raised by the Office of the Court Receiver.

[Sharmila U. Deshmukh, J.]