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

+ **CS(COMM) 49/2024 with I.A. 1230/2024**

**KHADI AND VILLAGE INDUSTRIES  
COMMISSION**

.....Plaintiff

Through: Ms. Diva Arora Menon,  
Ms. Shwetasree Majumder and  
Ms. Devyani Nath, Advocates

versus

**MR ASHISH SINGH AND ORS**

.....Defendants

Through: Mr. Ashish, D-1 appearing through  
VC

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

**05.03.2025**

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1. Counsel for the plaintiff submits that the plaintiff and the defendants no.1 and 2 have arrived at an oral settlement.

1.1. The same is confirmed by the defendant no.1, who appears through video conferencing.

2. In terms of the settlement, the defendants no.1 and 2 submit that they have no objection to a decree being passed in favour of the plaintiff and against the defendants no.1 and 2 in terms of prayer clauses 59 (i), (ii), (iv), (v) and (vii) of the suit. The same are set out below:

*“(i )A decree of permanent injunction restraining the Defendant No. 1 and 2, their partners, directors, servants, representatives, agents, distributors and all others acting for and on their behalf from exporting, manufacturing, selling, offering for sale, advertising, directly or indirectly providing any kind of goods and/or services under the marks*



*KHADI ORGANIC, and/or*

*and/ or any mark identical or deceptively similar to the Plaintiff's registered KHADI trademark, amounting to infringement of the Plaintiff's registered trademarks;*

*(ii) A decree of permanent injunction restraining the Defendant No. 1 and 2, their partners, directors, servants, representatives, agents, distributors and all others acting for and on their behalf from exporting, manufacturing, selling, offering for sale, advertising, directly or indirectly providing any kind of goods and/or services under the marks*

*KHADI ORGANIC, and/or*

*and/ or any other trademark identical or deceptively similar to the Plaintiff's KHADI trademark, in any manner as may amount to passing off of the Defendant's goods, services and business as those of the Plaintiff's;*

... ..

*(iv) A decree directing cancellation of the email addresses [customerhelpkhadiorganic@gmail.com](mailto:customerhelpkhadiorganic@gmail.com) and [info@khadiorganic.com](mailto:info@khadiorganic.com) and/or any other email address which uses any mark identical or deceptively similar to the Plaintiff's registered KHADI trademark*

... ..

*(v) An order directing take down of the Defendants' social media page on Instagram, Facebook, YouTube, X and Pinterest and/or any other pages active on social media platforms which uses any mark identical or deceptively similar to the Plaintiffs registered KHADI trademark;*

... ..



(vii) A decree for destruction of all the promotional materials in the Defendants' possession and/or any other printed matter including but not limited to product packaging, invoices, letterheads, etc. bearing the infringing marks trademarks KHADI ORGANIC,



and/or



and/ or any other

deceptively similar mark to representative of the Plaintiff for and/or an authorized purposes of destruction and/ or erasure;”

3. Further, in terms of prayer clause 59 (viii), the defendants no.1 and 2 have agreed to pay a sum of ₹ 4,67,000/- towards damages and costs to the plaintiff, which shall be paid by the defendants no.1 and 2 within one week.

3.1. Counsel for the plaintiff shall provide the bank account details to the defendants, for remittance of the aforesaid amount.

4. The relief claimed in prayer clause 59(iii) is set out below:

“(iii) A decree directing Defendant Nos. 3 to transfer the domain name [www.khadiorganic.com](http://www.khadiorganic.com) comprising of the impugned mark KHADI ORGANIC or any other trademark which is identical or deceptively similar to the Plaintiffs KHADI trademarks or any other trademark owned by the Plaintiff in any manner”

5. With regard to the aforesaid relief, counsel for the defendants submit that the defendants no.1 and 2 may be permitted to use the domain name [www.khadiorganic.com](http://www.khadiorganic.com) comprising the impugned mark KHADI

ORGANIC,



and



for a period of six



months as they have to refund the monies to various customers who contact the defendants no.1 and 2 through the aforesaid domain.

5.1. Counsel for the plaintiff does not object to the same.

6. Accordingly, the defendants shall be permitted to use the aforesaid domain name for a period of six months from today.

6.1. It is made clear that during the aforesaid period of six months, the website shall not be used by the defendants no.1 and 2 for any commercial activity but shall only be used for information purposes.

7. After the period of six months is over, the domain name shall be transferred by defendants no.1 and 2 to the plaintiff in terms of prayer clause 59 (iii).

8. Counsel for the plaintiff does not press for the remaining reliefs claimed in the suit.

9. Let the decree sheet be drawn up.

10. All pending applications stand disposed of.

**AMIT BANSAL, J**

**MARCH 5, 2025**  
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