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

+ **CM(M)-IPD 36/2025**

NITIN MAHESHWARI AND ANRPetitioners

Through: Mr. Dharmender K. Yadav, Ms.
Himani, Ms. Sandhya Anand & Mr.
Umesh Kumar, Advocates

Versus

PATANJALI FOODS LIMITEDRespondent

Through: Mr. Sudarshan Kumar Bansal, Mr.
Shivang Bansal, Mr. Shivendra Pratap
Singh & Ms. Namrata Jain,
Advocates.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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02.09.2025

CM No.54166/2025

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The Petitioners / Defendants have filed the present Petition under Article 227 of the Constitution of India for setting aside of the order dated 05.06.2025 (**'Impugned Order'**) passed in CS(COMM) No.565/2024 (**"Suit"**) by the learned Commercial Court-03 (South), Saket Courts, New Delhi (**'Commercial Court'**).
4. Issue Notice.
5. The learned Counsel for the Respondent / Plaintiff accepts notice.
6. The Petitioners / Defendants had preferred an Application under Section 151 of the Code of Civil Procedure, 1908 in the Suit for de-sealing and release of the goods, being oil, seized and sealed by the learned Local



Commissioner pursuant to the order dated 23.12.2024 passed by the learned Commercial Court. The details of the goods seized are as under:

"S. No.	Particulars	Quantity
1.	Mahakaushal 1 ltr. (1 x 12 Pouch) (Packed)	216 Boxes (Packed)
2.	Mahakaushal 1 ltr. (unpacked)	08 Pouch loose
3.	Mahakaushal ka Tammay 500 ml (1x30 Pouch)	15 Box (Packed)
4.	Mahakaushal ka Annapurna 1 ltr. (1x12 Pouch)	262 Boxes (packed)
5.	Mahakaushal ka Annapurna 500 ml (1x24 pouch)	70 Boxes (Packed)
6.	Mahakaushal empty can (15 ltr.)	36 Can (empty)
7.	Shri Soya Star Empty can (15 ltr.)	1 Can (empty)
8.	Mahakaushal ka Annapurna 15 ltr. Can (green)	20 Can (packed)
9.	Mahakaushal ka Annapurna 15 ltr. Can (white)	20 Can (packed)
10.	Mahakaushal ka Annapurna 5 ltr. Can	16 Can (packed)
11.	Mahakaushal ka Annapurna (Roll Packing)	2 Roll
12.	Mahakaushal ka Annapurna 500 ml	7 Pouch (loose)
13.	Mahakaushal 1 ltr. Loose Pouch	10 Pouch (loose)
14.	Mahakaushal ka Annapurna 1 ltr. Loose Pouch	8 Pouch (loose)
15.	Mahakaushal, Mahakaushal ka Annapurna, Kahakaushal ka Tanmay (Packing cartoon empty (1x15 cartoon)	160 Bundle"

7. The learned Commercial Court vide the Impugned Order observed as under:

"11. The moment oil is removed from the sealed packaging, there are high chances that same may become contaminated causing health hazardous to the life of people particularly children and vulnerable sections of society. Hence, it will not be appropriate to release the oil from sealed packaging to defendants. Hence, this prayer cannot be granted.



12. Further, defendants have filed an affidavit saying that life of seized products are 9 months and 6 months. As per Ld. Local Commissioner's report goods were seized on 02.01.2025. Therefore, almost 6 months have passed since goods were seized. Defendants have not clarified as to which goods have life span of 9 months and which goods have life span of 6 months. In the absence of such clarifications about life span of seized goods, it will be hazardous to release the goods to defendants for being sold in open market.

13. However, considering the averments of application that oil has started dripping from the cans and is causing harm to inhabitants of premises, seized goods may be shifted to a safe place by defendants in the presence and with consultation of representative of plaintiff or in the alternative contents of seized goods viz, oil, can be destroyed in a safe manner in the presence of representative of plaintiff and representative of defendant no. 1 & 2.

14. In view of above discussion, the application filed by defendant no. 1 & 2 under Section 151 CPC for de-sealing and release of goods is dismissed."

8. After some arguments, the learned Counsel for the Petitioners / Defendants and the learned Counsel for the Respondent / Plaintiff agree that the Impugned Order be modified to the extent that the oil seized and sealed by the learned Local Commissioner be de-sealed and disposed of in a manner to be jointly agreed upon between the representatives of the Petitioners / Defendants and the Respondent / Plaintiff so that the oil is not used for any human / animal consumption.

9. Further, if the Parties are able to find a buyer, who is willing to purchase the oil that is seized and sealed by the Local Commissioner, the same shall be jointly sold / disposed of in the presence of the representatives of the Petitioners / Defendants and the Respondent / Plaintiff, and the proceeds from such sale of the oil shall be deposited with the learned Commercial Court.



10. Accordingly, with the consent of the Parties, the Impugned Order is modified to the aforesaid extent.

11. In view of the above, no further orders are required to be passed in the present Petition. The Petition stands disposed of in terms of the aforesaid directions.

TEJAS KARIA, J

SEPTEMBER 2, 2025

‘gsr’