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

+ **CS(COMM) 724/2016**

M/S KRBL LIMITED

.....Plaintiff

Through: Mr. Ajay Amitabh Suman, Advocate.

versus

BECHER RAGHVJI PATEL & ANR.

.....Defendants

Through: None.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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31.10.2025

1. The present suit has been filed by the Plaintiff seeking permanent injunction restraining infringement of copyright, passing off, and other ancillary reliefs against the Defendants.

Case setup in the plaint

2. Mr. Ajay Amitabh Suman, learned counsel for the Plaintiff sets up the Plaintiff's case as under: -

2.1 The Plaintiff is engaged in the business of processing, marketing and exporting of rice of various kinds including Basmati Rice. In 1993 the Plaintiff through its predecessors adopted and started using, in relation to their goods and business, the trademark 'INDIA GATE' with device of



INDIA GATE-. During the pendency of the present suit the Plaintiff has become a registered proprietor of the trademark INDIA GATE under no. 599833 in Class 30 dated 18.09.1993. The registration certificate was issued on 12.08.2019. The Plaintiff also has its trademark registered in many countries of the world including Canada and Australia.

2.2 The Plaintiff's trademark as well as label are original artistic works of the monument of India Gate. The Plaintiff has a Copyright registration for its mark 'INDIA GATE' with Device of INDIA GATE under no. A-75495 of 2005-Ex. PW 1/7. Learned counsel states that plaintiff's copyright registration (Ex. PW 1/7) has remained unchallenged during these proceedings.

2.3 The Plaintiff's trademark 'INDIA GATE', during the pendency of the present suit, has also been included as well-known trademark by the Trademark Registry. This declaration was published at page no. 8330 of Trademark Journal No. 1915 dated 19.08.2019, in recognition of Plaintiff's goodwill and reputation in the trademark INDIA GATE with the device of INDIA GATE.

2.4 The comprehensive particulars of sales achieved by the Plaintiff is provided at page nos. 46 –59 of the Plaintiff's Documents (Ex. PW 1/8).

2.5 The Plaintiff, in April 2006, became aware of the Defendant's adoption and proposed use of the impugned trademark MUMBAI GATE with the device of a GATE which is deceptively similar to INDIA GATE



through its application for registration under No. 1382390 in Class 30, through the Trade Marks Journal No. 1337 dated 01.12.2005 (made available to the public on or about 05.04.2006) at page 1464, wherein the impugned trademark/label was advertised. The Plaintiff, being aggrieved by the Defendant's impugned trademark, promptly filed a Notice of Opposition and conducted inquiries which revealed that the Defendant had not yet commenced trade under the impugned mark but was actively soliciting trade and distribution networks across India.

2.6 During the course of these proceedings, Defendant has not filed any invoice or evidence to prove the use of the impugned mark MUMBAI GATE. Defendant has only filed copies of its trademark applications and therefore, has failed to prove any user.

2.7 The Plaintiff has led evidence proving its extensive sales and registration and the Defendant did not cross-examine the Plaintiff's witness on these facts.

Proceedings in this Suit

3. This Court vide order dated 02.11.2006 issued summons in the suit and passed an ex parte ad-interim injunction in favour of the Plaintiff and against the Defendants, which has remained in operation.

3.1 Defendants entered appearance and filed its written statement along with documents.

3.2 Plaintiffs filed its original documents which were taken up for admission/denial. It is recorded in the order dated 10.12.2008 that the Defendants neither admitted nor denied the documents filed by the Plaintiff.

3.3 The Defendants did not file any documents of bills/invoices evidencing use of the impugned mark MUMBAI GATE, except copies of its



trademark applications, nor lead any evidence to prove the same.

3.4 The issues were framed vide order dated 16.12.2008.

3.5 On 09.12.2019, learned counsel for the Defendants sought discharge from the captioned suit. Several notices were issued to the Defendants vide orders dated 09.12.2019, 15.02.2022, 23.08.2022, 15.09.2022 and 08.12.2022. On 20.01.2023, Mr. Amandeep Singh, learned counsel for the Defendant no. 1 and 2 marked appearance learned Joint Registrar (J).

3.6 On 26.07.2024 the recording of evidence on behalf of the Plaintiff was concluded. The Plaintiff tendered an evidence its trademark and copyright registrations as well as documents evidencing its use of the trademark INDIA GATE through bills and invoices.

3.7 There was no affidavit of evidence filed by the Defendants neither any appearance had been put up by the Defendants.

3.8 On 24.10.2024, since there were no appearances marked on behalf of the Defendants for last several dates, the Defendants were proceeded against ex parte.

Submissions on behalf of the Plaintiff

4. Learned counsel for the Plaintiff stated that the impugned mark/label MUMBAI GATE used by the Defendants in relation to their goods and business is identical and deceptively similar to the Plaintiff's trademarks/label INDIA GATE in every respect—phonetically, visually, structurally, in its basic idea, and essential features. He states that the resemblance between the rival trademarks is so close that it can hardly occur except by deliberate imitation. He relies upon several judgments where the coordinate Benches of this Court has acknowledged the Plaintiff's proprietary rights in its trademark 'INDIA GATE' and stated that the



Defendants are infringing the Plaintiff's proprietary rights. The Plaintiff has relied upon the following judgments:

- i. KRBL Limited v. Praveen Kumar Buyyani & Ors.¹,
- ii. KRBL Limited v. John Doe & Ors.².

4.1 He also relies upon the following judgments for the relief of permanent injunction:

- i. Wow Momo Foods Private Limited v. Wow Burger & Anr.³,
- ii. Century Traders v. Roshan Lal Duggar & Co⁴
- iii. Indian Hotels Company Ltd. & Anr. v. Jiva Institute of Vedic Science & Culture⁵
- iv. Pfizer Enterprises Sarl v. Cipla Ltd.⁶
- v. State of U.P. v. Nahar Singh (Dead) and Others⁷

4.2 He states that the injunction order dated 02.11.2006 has remained in operation till date. He states that Defendant has not led any evidence to show use of the impugned mark MUMBAI GATE. He states that Defendant having elected to abandon these proceedings indicates that it has no opposition to the grant of the relief of permanent injunction.

4.3 He states that the Plaintiff is however, seeking legal costs in its favour for having resisted the present proceedings and opposing the relief of permanent injunction. He refers to the details of hearing enlisted in the written submissions filed on 15.11.2024.

Findings and Analysis

¹ Passed in FAO (COMM) 24/2024 dated 15.01.2025

² Passed in CS (COMM) 416/2024 dated 20.05.2024

³ Passed in FAO (OS) (COMM) 143/2025 dated 16.10.2025

⁴ Passed in FAO (OS) 46/1976 dated 27.04.1977

⁵ 2008 (37) PTC 468 (Del.) (DB)

⁶ 2009 (107) DRJ 735 (DB)

⁷ (1998) 3 SCC 561



5. This Court has heard the learned counsel for the Plaintiff and perused the record as well as perused the written submissions dated 15.11.2024.
6. The Plaintiff has stated in its written submissions that its trademark INDIA GATE has since been declared as a well-known trademark with the declaration published in the trademark journal No. 1915 at page no. 8330 on 19.08.2019 as evidence of its evidences its goodwill and reputation.
7. The Plaintiff is the proprietor of the registered trademark INDIA GATE with the device of INDIA GATE by virtue of TM No. 599833 in Class 30 for all kinds of rice. The registration certificate dated 12.08.2019 has been placed on record with the written submissions.
8. The plaintiff has placed before this Court the copies of invoices to show its continuous use of the trademark INDIA GATE since 1993 and turnover running into several crores of rupees (Ex. PW 1/9, Ex. PW 1/10 to Ex. PW 1/89).
9. The Plaintiff has also secured copyright registration for its artistic label incorporating the device of India Gate which has been marked Ex. PW 1/7.
10. The predecessor bench of this Court vide order dated 02.11.2006 had granted an ex-parte ad-interim injunction in favour of the Plaintiff and restrained the Defendant from using the impugned mark MUMBAI GATE. The injunction order remains in force and has not been vacated or modified.
11. The Defendant has not led any evidence to show of use of the impugned mark MUMBAI GATE bearing the device of a GATE. The evidence on record shows that the Defendant had applied to the trademark registry for registration of the impugned mark MUMBAI GATE in 2006 for Class 30 but it has not actually used this mark in the course of its trade. The



Defendant has not led any evidence to contest the Plaintiff's claim of prior use of the trademark INDIA GATE since 1993. In fact, Defendant has not led any evidence despite opportunities and has since been proceeded ex-parte.

12. In these facts, Plaintiff has proved that it adopted the trademark INDIA GATE in 1993 and has been using the said mark continuously and uninterruptedly for its product 'rice' which falls in Class 30. The Plaintiff holds registration for its trademark in Class 30 by virtue of TM No. 599833. The Defendant proposed mark MUMBAI GATE contains a device which is deceptively similar to the image of the monument of INDIA GATE used by the Plaintiff in its trademark. The Plaintiff has placed on record judgment of the Division Bench in **KRBL Limited v. Praveen Kumar Buyyani**⁸ (supra) where the Division Bench while comparing the rival marks INDIA GATE and BHARAT GATE used for the same product 'rice' observed that the use of the suffix 'GATE' in the rival marks made the marks phonetically similar and therefore, the triple identity test was satisfied to prove that the plaintiff's mark has been infringed. The aforesaid judgment relied upon by the Plaintiff applies squarely to the facts of this case as the triple identity test would also be attracted in these facts.

13. The Defendants are engaged in the same trade of rice, and their attempt in 2006 to adopt the mark 'MUMBAI GATE' with the device of a GATE which is deceptively similar to the INDIA GATE is not bona fide., The two marks are phonetically, visually, and structurally similar to the Plaintiff's trademark. Such imitation is clearly intended to mislead consumers and ride upon the Plaintiff's established goodwill. The



Defendants attempt to use the impugned mark MUMBAI GATE would tantamount to infringement of the Plaintiff's mark INDIA GATE.

14. The proceedings in the suit further shows that Defendants have after participating in the proceedings till 2023, having opposed the reliefs of permanent injunction abruptly stopped appearing in the matter. The Plaintiff, on the other hand, has diligently prosecuted the suit, led and concluded its evidence, which remains uncontroverted and unrebutted on record to successfully prove its claim of infringement.

15. Accordingly in these facts, a decree of permanent injunction is passed in favour of the Plaintiffs and against all the Defendants, in terms of the prayer clause 33(a) of the plaint. The interim injunction order dated 02.11.2006 shall merge into the decree.

16. The Plaintiff does not press for reliefs at prayer clauses 33(b), (c), (d) and (e) as there is no dispute that Defendants did not actually sell any product under the impugned mark MUMBAI GATE.

17. The Plaintiff has however, pressed for legal costs for prosecuting the suit in terms of prayer clauses 33(f) of the plaint. The Plaintiff submits that the Plaintiff has suffered substantial litigation costs contesting the present suit for a very long period of time. It is stated that the Plaintiff has incurred substantial costs in pursuing the present litigation and has enlisted that there were 95 hearing dates in this matter.

18. In this regard, this Court observes that the suit was instituted in 2006 and it was contested by the Defendant till 2023. The Plaintiff has diligently prosecuted the suit to secure the permanent injunction and incurred substantial legal costs and expenses. In this view of the matter and in

⁸ Paragraph 21.8, 21.9, 21.10 and 21.11



addition to decree of permanent injunction passed hereinabove, this Court awards lump-sum legal costs amounting to Rs. 10,00,000/- (Ten lakhs) in favour of the Plaintiff and against the Defendants.

19. The remaining prayer clauses of the Plaintiffs i.e., prayer clauses 33(b), (c), (d) and (e) are dismissed as not pressed.

20. With the aforesaid directions, the captioned suit stands decreed and this suit along with pending applications (if any) stands disposed of.

21. Let the decree sheet be drawn up accordingly.

22. All future dates stand cancelled.

23. Interim orders, if any, stand merged into the final decree.

24. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 31, 2025/ng/IB/AM