

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

INTERIM APPLICATION NO. 838 OF 2026
IN
COMMERCIAL IP SUIT NO. 723 OF 2025
WITH
LEAVE PETITION NO. 239 OF 2025

Bisleri International Private Limited

...Applicant/
Plaintiff

Versus

Drink Well India And Anr.

...Defendants

Ms. Twisha Singh i/b Mr. Vinod Bhagat, for the Plaintiff.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : April 27, 2026

P. C. :

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1. None appears on behalf of the Defendant, though served. As the proceedings arise out of the same set of transactions, in order to avoid multiplicity of proceedings, Leave Petition is allowed.

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2. Learned counsel for the Applicant submits that on 5th January, 2026, this Court had granted ad-interim relief in respect of infringement of trademark and copyright. She submits that as leave

under Clause XIV of Letters Patent (Bombay) has been granted, the relief in respect of passing off be considered. She would further submit that despite service none appears on behalf of the Defendant and the ad-interim relief granted by order of 5th January, 2026 be confirmed as interim relief.

3. By order of 5th January, 2026, this Court had come to a *prima facie* finding, that the impugned label mark is deceptively similar to the Plaintiff's registered trademark and is depicted in a pirated art work and ad-interim relief came to be granted. It is submitted that the sales turn over of the Plaintiff's in respect of its trademark and the artistic work of "BISLERI" for the financial year 2023-2024 is to the tune of Rs. 2639 crores and the promotional expenses is approximately Rs. 101 crores.

4. Learned counsel for the Plaintiff would further point out the specimen sale invoices and advertisement material appended to the plaint. She would submit that by reason of the voluminous sales, the Plaintiff has earned substantial goodwill and reputation and the public associates registered trademark/trade dress with the Plaintiff.

5. The proprietary right of the Plaintiff in the registered trademark as well as art work is *prima facie* evidenced from the registration certificate placed on record. The sales turn over and the advertisement/promotional expenses would demonstrate the goodwill

and reputation earned by the Plaintiff in respect of its registered trademark of "BISLERI" and the original art work. The fact that this Court has come to a *prima facie* finding of deceptive similarity indicates misrepresentation. As the impugned products are deceptively similar, there is likelihood of injury to the Plaintiff which is required to be restrained. *Prima facie* case has been made out for grant of interim relief in terms of prayer clauses (c) and (d).

6. By order of 5th January, 2026, this Court had granted ad-interim relief in terms of prayer clauses (a), (b) and (e) and Court Receiver was appointed. The commission is duly executed and despite service, none appears on behalf of the Defendants which indicates that the Defendants do not have any defence available. There is no reason as to why the ad-interim relief granted on 5th January, 2026 should not be confirmed as interim relief.

7. Ad-interim relief granted on 5th January, 2026 is confirmed as interim relief. Interim Application is allowed in terms of prayer clauses (a) to (d).

[SHARMILA U. DESHMUKH, J.]