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

+ **CS(COMM) 384/2026 & I.A. 9876/2026**

WILLIAM GRANT AND SONS LIMITEDPlaintiff

Through: Ms. Janaki Arun and Ms. Vanshika
Bansal, Advocates.

versus

BARRELRUSH ALCOBEV LLPDefendant

Through: Mr. Ravi Sehgal and Ms. Roopali
Lakhotia, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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20.04.2026

1. In terms of the orders dated 10.04.2026 and 16.04.2026, the defendant has placed on record an affidavit of undertaking. The said affidavit is taken on record. For the purpose of convenience, the said affidavit is extracted hereunder:

"I, Viswajith Sim, S/o Sim Manoharan aged about 29, resident of Moozhithottil, Parambil, Kannambuzha Temple Road, Chalakudy, Thrissur, Kerala, India - 680307, Designated Partner of Barrelrush Alcobev LLP (i.e., the Defendant herein), having its registered office at 20/244, Venugopal Building, Chalakudy, Thrissur, Chalakudi, Mukundapuram Taluk, Kerala - 680307, the abovenamed Deponent do hereby solemnly affirm and state on oath as under:

1. That I am a Designated Partner of Barrelrush Alcobev LLP (i.e., the Defendant herein), and as such, I am well acquainted with the facts and circumstances of the present case in my official capacity. Therefore, I am competent and fully authorized to swear the present Affidavit of Undertaking on behalf of the Defendant.

2. That the above captioned Suit has been filed by the Plaintiff against the Defendant, inter alia, seeking an order of permanent injunction restraining the Defendant from manufacturing, launching, advertising, marketing, selling, offering for sale, whether directly or indirectly, whether on the internet or



otherwise, goods and services, including alcoholic spirits and beverages bearing the defendant's 'GLENFINNICH' marks ("impugned mark") or any other mark that is nearly identical/deceptively similar to the Plaintiff's 'GLENFIDDICH' Marks.

3. *I say that the Plaintiff served a copy (advance service) of the captioned Suit vide email dated 09-04-2026 upon the Defendant. The Defendant thereafter immediately engaged its counsel in Delhi and instructed them to enter appearance before this Hon'ble Court on 10.04.2026 and make the following submission on behalf of the Defendant:*

a) The Defendant does not propose to utilize the impugned mark in future.

b) The Defendant has not manufactured, imported, produced, distributed or marketed any products bearing the impugned mark.

c) The Defendant is not pursuing its Trademark Application No. 6829399 before the Office of the Controller General of Patents, Designs, & Trade Marks.

d) In relation to Notification No. KSBC.FIN/140/ FMFL/FMW/2025 dated 27.11.2025, the Defendant submitted its tender and also issued a Letter dated 08.01.2026 to the Chairman, Kerala State Beverages Corporation Ltd., Thiruvananthapuram, Kerala inter alia requesting deletion of its brand, namely, "Glenfinnich Scotch Whiskey" from its existing contract with effect from 01.04.2026, in accordance with the tender conditions.

4. *That the above captioned Suit was listed before this Hon'ble Court on 10.04.2026 and during the course of the hearing, the counsel for the Defendant, on instructions, stated the facts listed at paragraph 3 of this Affidavit, pursuant to which the Hon'ble Court was pleased to pass Order dated 10.04.2026 in the captioned Suit. Relevant portion of the said Order dated 10.04.2026 is extracted hereunder:*

"7. Issue notice.

8. Notice accepted by Mr. Ravi Sehgal, learned counsel appearing for the defendant, who appears on advance notice.

9. Mr. Sehgal, on instructions, states that they have not launched any product under the impugned mark "GLENFINNICH" and they do not propose to launch it in future either. He also submits that the defendant has already communicated with the Kera/a Government to delist/delete any reference to the impugned mark "GLENFINNICH" from the list of products that the defendant supplies to the Kera/a Government.

10. He also further submits that though the trademark application indeed was filed, but will not be pursued and rather be withdrawn. He states that the defendant be permitted to file appropriate affidavit in that regard.

11. Having heard the learned counsel for the defendant, binding the



defendant to the said statement, the affidavit be filed within three working days, with an advance copy to the learned counsel for the plaintiff.

12. List for compliance on 16.04.2026.

13. Learned counsel is also requested to take instructions as to whether the defendants has applied for any excise license in respect of the products intended to be launched under the impugned mark "GLENFINNICH". The said issue shall also be explained in the affidavit."

5. Pursuant to and in compliance with the directions contained in the aforesaid Order dated 10.04.2025 passed by this Hon'ble Court, I state as follows:

a) The Defendant does not propose to launch any product under the impugned mark "GLENFINNICH" in future or use the impugned mark in future.

b) The Defendant will take all necessary steps within a reasonable period to withdraw its Trademark Application No. 6829399 pending before the Office of the Controller General of Patents, Designs, & Trade Marks. I further say that the Defendant has not been pursuing the said Application before the Trademark Office and has virtually abandoned the said application."

6. That with respect to the query contained in paragraph 13 of the aforesaid Order dated 10.04.2025 passed by this Hon'ble Court, it is clarified that the Defendant has not applied for any excise license in respect of the products intended to be launched under the impugned mark "GLENFINNICH".

7. That the present Affidavit of Undertaking should not be construed as an admission of any of the allegations made by the Plaintiff and is without prejudice to any other rights, contentions, defences, etc. available to the Defendant.

8. I say that I am not deposing falsely.

DEPONENT

VERIFICATION: Verified on this 16 day of April, 2026 that the contents of the above Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT"

2. It is stated by the deponent in paras 5 & 6 that the defendant does not propose to launch any product under the impugned mark 'GLENFINNICH'



and would take all necessary steps to withdraw its Trademark Application No.6829399 pending before the office of Controller General of Patents, Designs & Trade Marks. With respect to a query contained in para 13 of the aforesaid order dated 10.04.2025 passed by this Court, in para 6 of the affidavit, it is clarified that the defendant has not applied for any excise license in respect of the products intended to be launched under the impugned mark “GLENFINNICH”.

3. Learned counsel for the defendant seeks and is granted four weeks’ time to take necessary steps to withdraw Trademark Application No.6829399. The compliance affidavit shall be filed within four weeks thereafter. Advance copy thereof be furnished to learned counsel for the plaintiff.

4. In view of the above, the suit can be decreed in terms of paras 5 & 6 of the affidavit of the defendant and para 62(a) to 62(d) of the prayer clause of the plaint.

5. Let a decree sheet be drawn up accordingly.

6. The plaintiff would be entitled to refund of the Court Fees in terms of Section 16 of the Court Fees Act, 1870 upon completion of all formalities as per rules.

7. The suit is decreed and disposed of in terms therefore alongwith all the pending applications.

TUSHAR RAO GEDELA, J

APRIL 20, 2026

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