



\$~1

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

+ **CS(COMM) 382/2026, I.A. 9804/2026 & I.A. 9805/2026**

EIGHT BROTHERS SALES PRIVATE LIMITEDPlaintiff

Through: Ms. Rajeshwari H. and Mr. Sarthak
Sabbarwal, Advocates.

versus

FINEGROW INDUSTRIES PVT LTD & ORS.Defendants

Through: Mr. Arnav Goyal, Mr. Nihal singh
Shekhawat and Ms. Bhumika Kukreja,
Advocates for D-1 & 3.
Ms. Aakriti Gupta, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

%

07.05.2026

1. In pursuance to the order dated 10.04.2026, defendant no.1 has filed an affidavit dated 05.05.2026 deposing as under:

“AFFIDAVIT IN COMPLIANCE OF ORDER DATED 10/04/2026

I, Mahendra Kumar Todi, S/o Sh. Suresh Kumar Todi, aged about 46 years, Director of Finegrow Industries Pvt. Ltd. & Ors., having its registered office at G-36, Dhan Shree Tower IInd, Central Spine, Vidhyadhar Nagar, Jaipur-302039 (Rajasthan) India, do hereby solemnly affirm and state as under:

1. *That I am the Director of Defendant No. 1 in the present proceedings and am fully conversant with the facts and circumstances of the case. I am duly authorized and competent to wear this affidavit on behalf of Defendant No. 1.*

2. *That the present affidavit is being filed in strict compliance with the directions passed by this Hon'ble Court vide order dated 10.04.2026, without prejudice to the rights and contentions of Defendant No. 1 in the present proceedings.*

3. *That the Defendants deny all the allegations, claims, and statements made by the Plaintiff in the plaint and the accompanying applications. It is further stated that nothing in this affidavit should be taken as an admission of any infringement, passing off, or violation of any rights claimed by the Plaintiff.*



4. That the packaging design in question was independently conceived, developed, and adopted by the Defendants bona fide and in the ordinary course of business, without any intention to copy or infringe upon any third-party rights. Nonetheless, in compliance with Paragraph 15 of the said order, Defendant No. 1 has expressed its amenability to changing the color scheme and placement of elements of the impugned product. Accordingly, Defendant No. 1 has modified the trade dress of its product, specifically the "BROOM", so as to completely eliminate even the remotest possibility of any alleged confusion or association.

5. That the comparative depiction of the impugned trade dress and the newly adopted trade dress is annexed herewith for the ready reference of this Hon'ble Court:

PLAINTIFF'S TRADE DRESS	
IMPUGNED TRADE DRESS	
PROPOSED TRADE DRESS	

6. That Defendant No. 1 has made substantial and visible changes to the trade dress so as to create a clearly distinct and independent appearance. The colour scheme has been changed, including the background, gradients, and contrast. The layout and arrangement of elements have also been redesigned. The position, size, and prominence of the brand name and logo have been modified. Any similarity in font, style, or placement has been removed by adopting different fonts and formatting. Decorative features such as outlines, shadows, and embossing have been altered or removed. Overall, the logo, product name, tagline, and images have been rearranged to ensure that the new trade dress is different and does not cause any confusion or association.

7. That in compliance with Paragraph 16 of the said order, Defendant No. 1 is placing on record the complete particulars of the existing inventory of products manufactured under the earlier trade dress, lying at various premises of the Defendant Company, the details whereof are set out hereunder:



SR. NO.	PREMISES	STOCK AVAILABLE
1	DELHI : Mahadev Trading Co. (Ground Floor, Khasra No. 742, Gali No.6, Gurudwara Road, Siraspur, Delhi-110042)	3400 packed Unit (Pieces)
2	GOVINDGARH : Finegrow Industries Private Limited (Near HP Petrol Pump, Khasra No.1463/2, Sikar Road, Govindgarh, Tehsil-Chomu, Jaipur (Rajasthan) 404712)	1980 packed Unit (Pieces)

8. That it is reiterated, in terms of Paragraph 17 of the order, that the present exercise of modification and compliance is strictly restricted to the product "BROOM", and the same shall not be construed as an admission of any nature in respect of other products, which are subject matter of independent and pending proceedings before various competent forums, at various jurisdictions.

9. That Defendant No. 1, immediately upon the passing of the order dated 10.04.2026, has ceased the manufacture, distribution, and marketing of goods bearing the earlier trade dress, and has, with due diligence and promptness, taken all steps within its control to change, remove, and discontinue the same. However, with respect to the stock already manufactured and/or in circulation, Defendant No. 1 respectfully submits that it may be permitted to phase out, repack, or replace such stock with the modified packaging design, and undertakes to complete such transition within a reasonable period, subject to logistical and commercial feasibility.

10. That the conduct of Defendant No. 1 demonstrates its bona fide intent, commercial integrity, and unequivocal respect for the directions of this Hon'ble Court, and it is submitted that Defendant No. 1 continues to remain bound by and committed to full and scrupulous compliance with all interim directions, without prejudice to its legal rights and defences.

DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 10 are true and correct to my knowledge and belief, nothing material has been concealed therefrom, and no part is false.

Verified at on this day of 05/05/2026.

DEPONENT"

2. Ms. Rajeshwari, learned counsel for the plaintiff states that though the proposed trade dress appeared to be different from what the original impugned



trade dress appear to be , however, states that in case the yellow portion can be removed, it would satisfy the grievance of the plaintiff.

3. This Court has perused and visually examined the impugned trade dress and the proposed trade dress. This Court is unable to accede to the request made by Ms. Rajeshwari, learned counsel for the plaintiff, for the reason that, apart from the fact that the rival trademarks are different, the trade dress which has now been proposed includes substantial portion of colour green establishing a clear distinction between the trade dress of the plaintiff and the trade dress of the defendants. To that extent, this Court is unable to accede to the request made by Ms. Rajeshwari. The proposed trade dress of defendant is acceptable to the Court.

4. Secondly, Ms. Rajeshwari, learned counsel for the plaintiff points out that in para 17 the stock available of the packaging of the defendants has been disclosed. She states that the same may be directed to be destroyed in presence of the representative of the plaintiff. Mr. Arnav Goyal, learned counsel appearing for defendant nos.1 & 3 agrees to the same.

5. Accordingly, it is directed that the defendant no.1 shall destroy the stock which is specified in para 7 at both the locations in the presence of the legal representative of the plaintiff. The date, time and venue shall be fixed mutually.

6. In terms of the order dated 10.04.2026, defendant no.2/IndiaMART Intermesh Ltd. has filed an affidavit through authorised representative stating as under:

“AFFIDAVIT OF COMPLAINT

I, Gargi Vashistha D/o Mr. Rajesh Kumar, aged about 27 years, Authorized Representative of Defendant No. 2 in the captioned matter, having its registered office at 1st Floor, 29 - Daryaganj, Netaji Subhash Marg, New Delhi - 110 002, do solemnly affirm and say as follows:

1. I am the authorized representative of Defendant No. 2 in the captioned Suit and as such am well conversant with the facts of the case. Hence, I am competent to swear this affidavit.



2. That I have read and understood the contents of the present Affidavit and having understood the contents thereof I say that the facts stated therein are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

3. It is humbly submitted that Defendant No. 2 is filing the present affidavit to show compliance of order dated 10.04.2026.

4. That vide the order dated 10.04.2026 passed by this Hon'ble Court, Defendant No. 2 is directed to take down the listings available on its website in respect of the product manufactured and sold under the impugned and the trade dress.

5. The present affidavit is filed in accordance with the link provided by the Plaintiff in the suit paper-book. The details of the listing(s) taken down by Defendant No. 2, in compliance of the directions issued by this Hon'ble Court are given below:

S.NO.	DETAILS	IMPUGNED LINK
1.	Listing	https://www.indiamart.com/proddetail/sachcha-sonagold-grass-broom-2853654014297.html?srsId=AfmBOogZXUIID29nGWgfptLjC-cO-Ocpxdxi2KtnlyEgdENI_piOEno

The aforesaid URL has been impugned by the Plaintiff as displaying the infringing goods. Pursuant to the takedown, upon attempting to access the impugned links on Defendant No. 2 's website, the following error message is displayed:



6. I state that Defendant No. 2 is an intermediary in terms of Section 2(1)(w) of the Information Technology Act, 2000. It merely provides a Business-to-Business matchmaking platform where the suppliers/ sellers can directly connect with buyers for interactions, which may or may not lead to commercial dealings, independent of Defendant No. 2 's platform. I



further state that Defendant No. 2 is not a party to the negotiations/sale that takes place between sellers/suppliers and buyers.

7. *I state that the documents/ Annexures annexed with this Affidavit are true copies of their respective originals.*

DEPONENT

VERIFICATION:-

I, the above-named deponent, do hereby verify that the contents in the above affidavit are true and correct to the best of my knowledge and belief, based on records maintained by the Company in its ordinary course of business. No part of the same is false and I have not suppressed any material facts.

Verified at New Delhi on this 22nd day of April, 2026.

DEPONENT"

7. Since the said listing has been taken down by defendant no.2, the order dated 10.04.2026 stands complied with by the defendant no.2.

8. In view of the above, the suit is disposed of alongwith all pending applications, in view of aforesaid directions.

9. The parties shall remain bound by the contents of the affidavit.

10. Let a decree sheet be drawn up accordingly.

11. The Court Fees shall be refunded to the plaintiff in terms of Section 16 of the Court Fees (Delhi Amendment) Act, 2026, on completion of all the formalities, as per rules.

TUSHAR RAO GEDELA, J

MAY 7, 2026

kct