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

\# **CNR No. DLHC010488222026**

\+ CS(COMM) 1105/2026

ARCHIAN FOODS PRIVATE LIMITED .....Plaintiff

Through: Mr. Sagar Chandra, Mr. Nikhil Sonker and Mr. Shivendra Pratap Singh, Advocates

versus

GOLDENSTUFF AND BEVERAGES PRIVATE LIMITED & ORS. .....Defendants

Through: None

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% 08.10.2026

I.A. 28016/2026 (*exemption from filing of clear, typed and translated copies*)

I.A. 28019/2026 (*exemption to file lengthy brief synopsis and list of dates*)

1. Exemptions allowed, subject to just exceptions.

2. Applications stand disposed of.

I.A. 28020/2026 (*under Section 149 r/w Section 151 CPC filed by plaintiff seeking extension to file Court Fees*)

3. Learned counsel appearing on behalf of the plaintiff submits that the amount for procuring the Court fees has already been deposited, however, the same has not become available.

4. Let the Court fees be filed within four weeks.

5. The application is disposed of.

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I.A. 28017/2026 (*under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC*)

6. This present is an application filed by the plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015.

7. An urgent relief has been sought by the plaintiff in the present suit. After having examined the plaint and the documents filed along with the plaint, the Court is of the view that relief in application under Order XXXIX Rules 1 and 2 CPC [I.A. 28014/2026] is plausibly urgent and genuinely contemplated, for the reasons recorded in detail while dealing with I.A. 28014/2026.

8. The application is, therefore, allowed and the plaintiff is exempted from pre-litigation mediation.

9. The application stands disposed of.

I.A. 28018/2026 (*under Rule 22 of Delhi High Court Intellectual Property Rights Division Rules, 2022 r/w Section 151 CPC*)

10. This is an application filed by the plaintiff seeking exemption from serving an advance service to the defendant nos. 1 to 6.

11. Having regard to the fact that an *ex-parte*urgent relief has been sought in the present matter, the plaintiff is exempted from serving an advance copy of suit paper book to the defendants.

12. The application is disposed of.

I.A. 28015/2026 (under Order XI Rule 1(4) (as amended by the Commercial Courts Act, 2015) r/w Section 151 CPC, 1908)

13. The present application is filed on behalf of the plaintiff seeking leave to file additional documents.

14. The plaintiff is permitted to file additional documents in accordance

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with the provisions of the Commercial Courts Act and Delhi High Court Rules, 2018.

15. The application is disposed of.

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16. Let the plaint be registered as suit.

17. On filing of process fee, summons be issued to the defendants by all permissible modes.

18. The summons shall indicate that the written statement must be filed within thirty days from the date of reception of the summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

19. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by an affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

20. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

21. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

22. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 04.12.2026.

23. List before Court for framing of issues on a date to be assigned by the learned Joint Registrar.

I.A. 28014/2026 (under Order XXXIX Rule 1, 2 & 3 r/w Section 151

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CPC filed by plaintiff)

24. The present application has been filed seeking *ex partead interim* injunctive reliefs.

25. The case set out in the plaint is that the plaintiff's predecessor-in-interest, M/s Archian Foods, was established in 2012 as a partnership firm and subsequently, on 6th October 2021, it underwent business restructuring and was incorporated as a company under the Companies Act, 2013.

26. The plaintiff is engaged in the business of manufacturing and marketing various traditional Indian flavoured non-alcoholic beverages, including soda, fruit juices, and carbonated drinks under the 'LAHORI' family of marks; such as 'LAHORI ZEERA', 'LAHORI NIMBOO', 'LAHORI KACHA AAM', 'LAHORI SHIKANJI', and 'LAHORI IMLI BANTA', etc.

27. The plaintiff claims proprietary rights over various labels, packaging, and trade dress comprising distinguishing features such as specific placement of elements, lettering, and colour combinations.

28. Mr. Sagar Chandra, the learned counsel appearing on behalf of the plaintiff submits that among all the variants of the plaintiffs brand i.e.'LAHORI', the most popular product is 'LAHORI ZEERA' which was launched in 2015, which is protected by a registered trademark under class 32. While its trade dress has undergone changes over the years,the essential and prominent features, namely, the colour scheme involving a combination of yellow, green and white has been retained over the years.

29. A pictorial representation of the evolution of the trade dress/packaging/label/get-up adopted by the plaintiff over the years is set out in para 11.3 of the plaint and is reproduced hereunder:-

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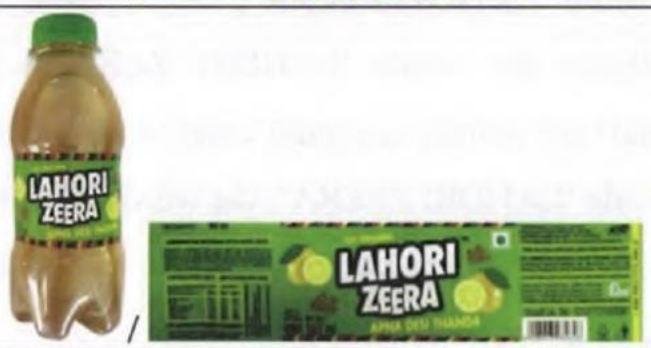
Trade Dress/Colour Scheme of 'LAHORI ZEERA' since 2019, till date	
2019-2021	
2022-October 2024	
May 2024-till date	

30. It has been argued that the plaintiff is the registered proprietor of various 'LAHORI' formative trademarks which are spread across Classes 30, 32, 16 and 35, and its gamut extends not only to packaging/trade dress/labels/trademarks/get-up, but also to the taglines/slogans adopted by the plaintiff i.e. 'DESI HI CHANGA', 'APNA DESI THANDA' and 'HAR KOI PEERA LAHORI ZEERA'. The said taglines have been extensively

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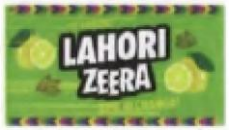
and continuously used in relation to the promotional activities for the goods of the plaintiff. There are various marks and devices over which the plaintiff has registrations, and the same have been enumerated in para 10.4 of the plaint.

31. The plaintiff alsoclaim to be the owner of copyright in the artistic work(s) in the Trade Dresses/Packaging/Labels.

32. It is stated that the art work involved in the Plaintiff's 'LAHORI ZEERA' Label  constitutes "original artistic works" within the meaning of Section 2(c) and 13 of The Copyright Act, 1957. It is submitted that the Plaintiff has also obtained a Copyright registration bearingNo. A-146655/2023 for the 'LAHORI ZEERA' Label  having the tagline words 'DESI HI CHANGA!' and a Copyright registration bearingNo. A-14992/2025 for the 'LAHORI ZEERA' Label  having the tagline words 'APNA DESI THANDA'. The Plaintiff is thus, the owner of the copyright in the 'LAHORI ZEERA' Labels.

33. Similarly, it is stated that the art work involved in the Plaintiff's 'LAHORI NIMBOO' Label  constitutes "original artistic works" and the Plaintiff has obtained a Copyright registration bearing No. A-152655/2024 for the 'LAHORI NIMBOO' Label

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34. Likewise, the plaintiff also has an extremely popular variant of the 'LAHORI' brand i.e. 'LAHORI SHIKANJI'. The art work involved in the Plaintiff's 'LAHORI SHIKANJI' Label 

constitutes "original artistic works" and the Plaintiff has also obtained a Copyright registration bearing No. A-146282/2023 for the 'LAHORI SHIKANJI' Label 

with the tagline "DESI HI CHANGA".

35. It is further submitted that the plaintiff is the registered proprietor of the design of the shape and configuration of the bottle used for selling its beverages 'LAHORI ZEERA', 'LAHORI NIMBOO' & 'LAHORI SHIKANJI'. The pictorial representation of the bottle given in para 15.1, is reproduced hereinunder for the ease of reference:-



36. It is further stated that since the launch of its products, the plaintiff has met with uninterrupted success due to excellent promotional and endorsement activities. The net sales value for the products bearing 'LAHORI' formative trademarks has been delineated in the tabulated chart in para 10.3 of the plaint, which is reproduced hereinunder:-

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NET SALES VALUE FOR THE PRODUCTS BEARING 'LAHORI' FORMATIVE TRADEMARKS

Financial Year	*Net Sales Value (In INR)*
2016-2017	*2.74 Lakhs*
2017-2018	*61.46 Lakhs*
2018-2019	*4.89 Crores*
2019-2020	*19.85 Crores*
2020-2021	*79.08 Crores*
2021-2022	*116.56 Crores*
2022-2023	*211.78 Crores*
2023-2024	*437.24 Crores*
2024-2025	*546.09 Crores*
2025-2026	*773.63 Crores*

37. Mr. Chandra submits that the sales figures have also been verified by the Chartered Accountant of the plaintiff, whose certificate has been filed along with the plaint.

38. It is stated that the plaintiff has spent approximately INR 3,31,00,000/- in the financial year 2023-24 on promotion and advertisement of goods bearing the trademarks 'LAHORI ZEERA', 'LAHORI NIMBOO', & 'LAHORI SHIKANJI'.

39. It is submitted that the plaintiff has been taking action against various pirates and infringers who have attempted to adopt/use the trademark 'LAHORI', trademark/logo 'LAHORI ZEERA' and 'LAHORI' formative trademarks. The details of the suits filed and injunction orders obtained by

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the plaintiff have been listed in para 27 of the plaint.

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40. It is stated that it came to the plaintiff's knowledge that the defendant nos. 1 to 6 are involved in manufacturing, marketing, distribution and sale of non-alcoholic carbonated beverages/soft drinks under the following impugned marks/logos/trade dress/packaging/label/bottle/slogan as well as impugned taglines which are identical or deceptively similar to the packaging/Label/Get-up/Bottle-dressing of the plaintiff.

41. The tabulated chart showing comparison of the plaintiff's trademark/logo/trade dress vis-à-vis the impugned mark/logo/trade dress adopted by the defendants is given in paras 38.1, 38.2, and 38.3, and the same are set out hereinbelow:

"38.1. COMPARISON QUA 'LAHORI ZEERA' AND 'INDIAN ZEERA'

PLAINTIFF'S TRADE MARK	***DEFENDANTS' IMPGUNED MARK***	***COMMON ELEMENTS BETWEEN COMPETING TRADE DRESS/ PACKAGING/ LABEL***
'LAHORI ZEERA'	*'INDIAN ZEERA'*	
PLAINTIFF'S LOGO	***DEFENDANTS' IMPGUNED LOGO***	
		
PLAINTIFF'S TRADE DRESS/PACKAGING / LABEL/ BOTTLE DESIGN	***DEFENDANTS' IMPUGNED TRADE DRESS/PACKAGING LABEL/BOTTLE DESIGN***	

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		***a.****Background colour of the Label is green. Colour Combination of green, yellow and white.* ***b.*** *Brand name written in white capital letters in stylized manner with black bordered outline.* ***c.*** *Lemons and three cumin placed on either side of the mark.* ***d.****Tagline/ Slogan written in slanting yellow coloured capital font.* ***e****.Conspicuous multi-coloured border on the top and bottom of the label.* ***f.*** *Identical bottle shape with Green Coloured cap."*

"*38.2 COMPARISON QUA 'LAHORI NIMBOO' AND 'INDIAN NIMBOO'/'INDIAN MOJITO'*

PLAINTIFF'S TRADE MARK	***DEFENDANT S' IMPGUNED MARK***	***COMMON ELEMENTS BETWEEN COMPETING TRADE DRESS/ PACKAGING/ LABEL***
'LAHORI NIMBOO'	*'INDIAN NIMBOO'* *'INDIAN MOJITO'*	
PLAINTIFF'S LOGO	***DEFENDANTS' IMPGUNED LOGO***	

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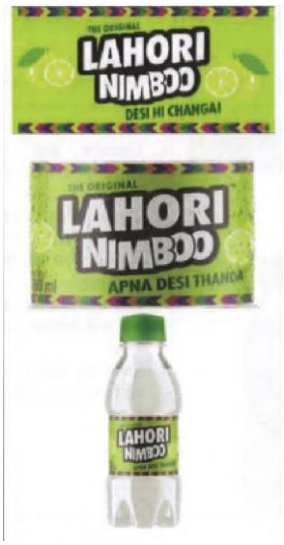
LAHORI NIMBOO	INDIAN NIMBOO / INDIAN MOJITO	
PLAINTIFF'S TRADE DRESS/PACKAGING/LABEL/BOTTLE DESIGN	***DEFENDANTS' IMPUGNED TRADE DRESS/PACKAGING LABEL/BOTTLE DESIGN***	
		***a.****Background colour of the Label is greenish-yellow. Colour Combination of green, yellow and white.* ***b.*** *Brand name written in white capital letters in a stylized manner with black bordered outline.* ***c.*** *Lemons placed on either side of the mark.* ***d.****Tagline/Slogan written in slanting green coloured capital font.* ***e.****Conspicuous multi-coloured border on the top and bottom of the label.* ***f.****Identical bottle shape with Green Coloured cap."*

"38.3 COMPARISON QUA 'LAHORI SHIKANJI' AND 'INDIAN SHIKANJI'

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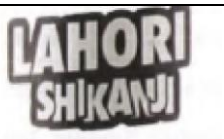
PLAINTIFF'S TRADE MARK	***DEFENDANTS' IMPGUNED MARK***	***COMMON ELEMENTS BETWEEN COMPETING TRADE DRESS/ PACKAGING/ LABEL***
'LAHORI SHIKANJI'	*'INDIAN SHIKANJI'*	
PLAINTIFF'S LOGO	***DEFENDANTS' IMPGUNED LOGO***	
		
PLAINTIFF'S TRADE DRESS/PACKAGING/ LABEL/BOTTLE DESIGN	***DEFENDANTS' IMPUGNED TRADE DRESS/ PACKAGING LABEL/ BOTTLE DESIGN***	
		a. Background colour of the Label is Blue. Colour combination of Blue, yellow and white. b. Brand name written in white capital letters in a stylized manner with black bordered outline. c. Lemons placed on either side of the mark. d. Tagline/Slogan written in slanting yellow coloured capital font e. Conspicuous multi-coloured border on the top and bottom of

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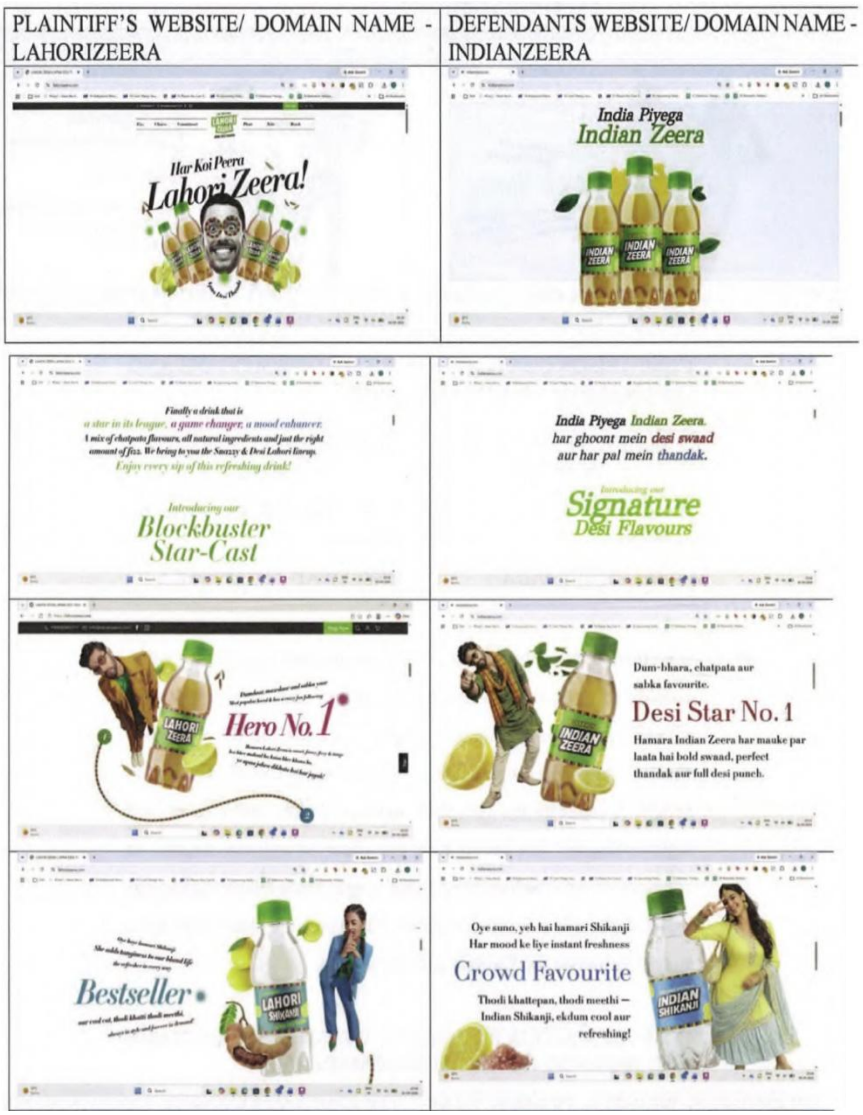
		the label. f. Identical bottle shape with Green Coloured cap.

42. It is further stated that the defendants have deliberately and consciously created a website/domain name in a manner so as to come as close as possible to the plaintiff, its goods and its business by imitating and reproducing the plaintiff's Intellectual Property and the distinctive manner in which the plaintiff advertises/promotes its products. The comparative table of the website/domain name as set out in para 39.1 is reproduced hereunder:-



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43. It has been further contended that the defendants have also attempted to emulate the promotional creatives and the advertisement posts in a manner used by the plaintiff to advertise and promote its goods on digital platforms. A comparative table of the advertisements/posts/ creativities of the plaintiff and the defendant as set out in para 39.3 of the plaint is reproduced hereinbelow:-

Plaintiff's Promotional Posts	Defendants Promotional Posts
https://www.facebook.com/photo/?fbid=1388626329718141 	https://www.facebook.com/photo/?fbid=122111735115228352 
https://www.facebook.com/photo/?fbid=915739890340123 	https://www.facebook.com/photo/?fbid=122108238873228352 

44. Mr. Chandra has also invited attention of the Court to the LinkedIn page of the defendants filed along with the plaint [Page 1358 of list of documents] wherefrom it is borne out that the defendant has started his business from January, 2026.

45. Having regard to the averments made in the plaint, considering the material placed on record, and the submissions made on behalf of the plaintiff, this Court is of *prima facie* view that the Trademarks/Copyrights/Designs of the plaintiff are registered and on

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account of their extensive use, advertisement and large turnover, the same have acquired invaluable goodwill and reputation throughout the country.

46. The impugned logo/trade dress/colour scheme/shape of the bottle adopted by the defendants, is bound to create confusion and deception amongst the consumers, public and members of the trade, especially when the range of goods of the plaintiff and the defendants is same. The adoption of identical or deceptively similar logo/trade dress/colour scheme/shape of the bottle by the defendants is ex facie *mala fide;* the defendants are new entrants in the trade whereas the plaintiff is already an established player.

47. Learned counsel for the plaintiff further submits that in the plaint it has also been stated by the plaintiff that the defendants have also applied for the registration of mark 'INDIAN ZEERA' under Class 32 and a copy of the application has been filed separately by the plaintiff, however, the same has not come on record. Another copy of the said application has been handed over across the bar under the cover of an index dated 07.10.2026,the same is taken on record.

48. Under the above circumstances, this Court is of the view that the plaintiff has made out a *prima facie* case for grant of *ex partead interim* injunction, till the next date of hearing. The balance of convenience is also in favour of plaintiff and against the defendants. I am satisfied that the plaintiff will suffer an irreparable loss and injury if *ex partead interim* injunction is not granted.

49. Accordingly, till the next date of hearing, the defendants, their directors/ proprietors/ partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockists,

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agents and all others acting for and on their behalf are restrained from using, soliciting, manufacturing, selling, offering for sale, importing, exporting and advertising in any manner including on the internet, website, social media and e-commerce platform, directly or indirectly dealing in goods being non-alcoholic beverages/ soft drinks or any other cognate/ related and allied goods being 'flavored/non-flavoured non-alcoholic beverages drinks/ beverages, soft drinks and beverages including soda and other carbonated drinks' or any other cognate/related and allied goods under the Impugned Logos/ Labels/ Trade Dress/ Packaging 

or any other Logos/ Labels/ Trade Dress/ Packaging/ Tagline/ Slogan/ Domain Name that may be identical or deceptively similar to and/or imitation of and/or colourable imitation of and/or substantial reproduction of Plaintiff's 'LAHORI' Formative Trade Marks, Trade Mark/Logo/ Label/Trade Dress LAHORI ZEERA 

, Trade Mark /Logo / Label / Trade Dress 

, Trade Mark / Logo / Label / Trade Dress / 

, Trade Mark/ Tagline/ Slogan 'APNA DESI THANDA', Trade Mark/

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Tagline/ Slogan ‘HAR KOI PEERA LAHORI ZEERA’ and Domain Name LAHORIZEERA.COM and/ or applying the Plaintiff’s registered design to article being bottle or any fraudulent and/or obvious imitation thereof amounting to infringement and/or Passing Off of the Defendants’ goods for those of the Plaintiff’s.

50. In so far as other interim prayers of the plaintiff including prayer for injuncting the defendants from using the word ‘Indian’ as part of their Trademark, is concerned, the same will be considered after the completion of pleadings.

51. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendants within a period of two weeks from today and affidavit of compliance be filed within a period of one week thereafter.

52. The defendants may file reply to the application within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

53. List before the learned Joint Registrar for completion of service and pleadings on 04.12.2026.

54. List before Court on 03.02.2027.

VIKAS MAHAJAN, J

OCTOBER 8, 2026/*tp/SS*

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