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

+ **CS(COMM) 1109/2025 & I.A. 25754-25760/2025**

THE INDIAN HOTELS COMPANY LIMITEDPlaintiff

Through: Mr. Pravin Anand, Mr. Dhruv Anand,
Ms. Udit Patro, Ms. Nimrat Singh
and Mr. Dhananjay Khanna, Advs.

versus

VIVANTA STAYS & ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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17.10.2025

I.A. 25755/2025 (Under Order XI Rule 1, 3 and 5 of CPC)

1. This is an application filed under Order XI Rule 1, 3 and 5 of CPC read with Section 151 of the Code of Civil Procedure, 1908 ['CPC'], filed by the Plaintiff seeking discovery and production of details as mentioned in paragraph no. 2 of this application from Defendant Nos. 1 and 2.
2. Issue notice to the Defendant Nos. 1 and 2 through all modes. Affidavit of service be filed within two [2] weeks from today.
3. Defendant Nos. 1 and 2 are directed to file their reply within four [4] weeks.
4. List before the learned Joint Registrar (J) on **11.12.2025**.
5. List before Court on **26.02.2026**.



I.A. 25756/2025(seeking leave to file additional documents)

6. This is an application under Order XI Rule 1(4) of CPC [as amended by the Commercial Courts, Act, 2015], filed by the Plaintiff seeking leave to file additional documents within thirty (30) days.

7. The Plaintiffs, if they wish to file additional documents, will file the same within thirty (30) days from today, and they shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 [‘DHC Rules’].

8. For the reasons stated in the application, the same is allowed.

9. Accordingly, the application is disposed of.

I.A.25757/2025

10. This is an application under Section 151 of CPC, filed by the Plaintiff seeking exemption from filing clearer copies of the dim documents, which have been filed with the suit.

11. Subject to the Plaintiff filing clearer copies of the dim documents within two [2] weeks from today, exemption is granted for the present.

12. Accordingly, the captioned I.A stands disposed of.

I.A. 25758/2025

13. This application under Section 149 read with Section 151 of CPC, has been filed by the Plaintiff seeking extension of time for filing of Court fees.

14. The Plaintiff is directed to deposit the Court fees within a period of two [2] weeks, failing which the consequences of rejection of plaint under Order VII Rule 11 (b) CPC shall follow.

15. With these directions, the application stands disposed of.

I.A. 25759/2025(for seeking exemption from pre-institution mediation)



16. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of CPC, filed by the Plaintiff seeking exemption from instituting pre-litigation mediation.

17. Having regard to the fact that the present suit contemplates urgent interim relief and in light of the judgment of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is hereby granted to the plaintiff.

18. Accordingly, the application stands disposed of.

I.A. 25760/2025 (seeking time for filing the required certificate)

19. This application under Section 151 of CPC has been filed by the plaintiff seeking time for filing the required certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2024.

20. The Plaintiff is directed to file the said certificate within two (2) weeks.

21. Accordingly, the application stands disposed of.

CS(COMM) 1109/2025

22. Let the plaint be registered as a suit.

23. Issue summons.

24. Summons be issued to Defendant Nos. 1 and 2 through all modes. Affidavit of service be filed within two [2] weeks.

25. The summons shall state that the written statement(s) shall be filed by Defendant Nos. 1 and 2 within thirty (30) days from the date of the receipt of the summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiffs, without which the written statement(s) shall not be taken on record.



26. The Plaintiff is at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit(s) of admission/denial in respect of the documents filed by the Defendants, failing which the replication(s) shall not be taken on record.

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

28. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

29. Summons are not being issued to Defendant Nos. 3 to 5, as the said Defendants have been impleaded as proforma parties.

30. List before the learned Joint Registrar (J) for completion of service and pleadings on **11.12.2025**.

31. List before the Court on **26.02.2026**.

I.A. 25754/2025 (Under Order XXXIX Rule 1 and 2 CPC)

32. This is an application under Order XXXIX Rule 1 and 2 CPC seeking grant of ex-parte ad-interim injunction.

33. Mr. Pravin Anand, learned counsel for the Plaintiff has set up the Plaintiff's case as under: -

33.1. The Plaintiff, incorporated by the TATA Group in 1902, is one of the pioneers in the hospitality industry. The Plaintiff and its subsidiaries bring together a group of brands and businesses that offer a fusion of warm Indian hospitality and world-class service. These include Taj - the hallmark of iconic hospitality, SeleQtions, Vivanta, and Ginger.

33.2. The Plaintiff has a portfolio of 200 + hotels including 40 under

¹ (2024) 5 SCC 815



development globally across 4 continents, 12 countries and in over 80 locations.

33.3. The Plaintiff first coined and adopted the mark ‘VIVANTA’ for its hotels and other services in the year 2008. The Plaintiff is the registered proprietor of the well-known trademark ‘VIVANTA’, the details of which are provided at paragraph 15 of the plaint.

33.4. The Plaintiff has 35 VIVANTA hotels across 33 destinations and the Plaintiff has a website available at www.vivantahotels.com dedicated to its hotels under the ‘VIVANTA’ brand.

33.5. This Court in CS(COMM) 560/2022 titled **Indian Hotels Company Limited v. Grand Vivanta Vacations Private Limited** vide judgment dated 26.09.2022 has declared the Plaintiff’s registered trademark – ‘VIVANTA’ as a well-known trademark. As a result, the Plaintiff’s registered trademark ‘VIVANTA’ has been included in the list of well-known trademarks maintained by the Trade Mark Registry.

33.6. The Plaintiff’s turnover figures and the expenses incurred by the Plaintiff towards the advertisement and promotional activities for the years 2017 to 2025 with respect to ‘VIVANTA’ brand are provided at paragraph no. 12 and 13 of the plaint, respectively.

33.7. The Plaintiff’s mark has acquired distinctiveness with the business activities of the Plaintiff and the same entitles the Plaintiff to take action against its unauthorized use by third-parties.

Dispute with Defendant No. 1

34. In April, 2025, the Plaintiff found out about Defendant No. 1 using the Plaintiff’s registered mark ‘VIVANTA’ for its unauthorized and conspicuous business ‘Vivanta Stays’ on its website www.vivantastays.com



as well on third-party e-platforms such as X, Facebook, Instagram, Pinterest and YouTube. Defendant No.1 offers luxury vacations for travelers by curating villas in various cities such as Goa, Alibaug, Nashik, Lonavala, etc.

34.1. Subsequently, the Plaintiff issued a cease-and-desist notice dated 14.05.2025 to Defendant No. 1 asking Defendant No. 1 to stop using the Plaintiff's registered trademark 'VIVANTA'. On 02.07.2025 Defendant No. 1 informed the counsel that they are willing to remove the impugned mark; that they are already in the process of rebranding; and that their YouTube channel has been taken down.

34.2. However, the Plaintiff on 31.07.2025, came across an article which provided elaborated report on Defendant No. 1's business and its expansion, the details whereof are provided at paragraph no. 40 of the plaint.

34.3. Plaintiff also came to know that Defendant No. 1 had changed the domain address of its website from <https://vivantastays.com/> to <https://vivantastay.in/>, while also operating on Instagram <https://www.instagram.com/vivantastaysofficial/#>.

34.4. The summary report of the physical inspections carried out by the Plaintiff on Defendant No. 1's premises on 18.08.2025, 08.09.2025 and 10.09.2025 are provided at paragraph no. 42 of the plaint.

Dispute with Defendant No. 2

35. Defendant No. 2 is 'Vivanta Realty' located at 1st Floor, Krishna Smruti, Plot No. 11, Bhuwaneshwar Society, T.S., No. 1443D/6, Aundh, Pune and Ground Floor, J4 Office No. 301, Rose Icon, Pimple Saudagar, Pimpri Chinchwad, Pune, Maharashtra, 411027.

It is stated that investigation into the activities of Defendant No. 1 has



led to Defendant No. 2 herein. It is stated that payment² made to Defendant No. 1 led to Defendant No. 2 and therefore, the Plaintiff believes that these parties are related.

35.1. Separately, earlier in September 2024, the Plaintiff received a report from the independent investigator about the wrongdoings of Defendant No. 2. A summary of the findings of the said investigation is provided at paragraph no. 43 of the plaint.

35.2. Subsequently, the Plaintiff issued a cease-and-desist notice dated 15.04.2025 to Defendant No. 2 and in response, Defendant No. 2 vide its reply dated 26.04.2025 gave an undertaking that it will not use the 'VIVANTA' mark in future.

35.3. The Plaintiff was under the bona fide belief that Defendant No. 2 was in compliance with the undertaking, however, as discovered during the investigation conducted qua Defendant No. 1, it seems that Defendant No. 2 has started operating its infringing business through Defendant No. 1.

35.4. It is stated that as already disclosed by Defendant No. 2 in its reply dated 26.04.2025, Defendant No. 2 is the registered proprietor VIVANTA



REALTY/ mark having trademark registration number 2388380 in Class 37. Defendant No. 2 also has a copyright registration bearing copyright diary number 25397/2012-CO/A.

35.5. It is stated that it is prima facie evident that the registration in favour of Defendant No.2 is ex facie invalid. It is contended that since Defendant No. 2 has agreed to not use the 'VIVANTA' mark in relation to its business

² Reference to paragraph no. 42 of the plaint.



and therefore its registration wrongly remains on the register making it liable for cancellation.

36. Defendant No. 3 is GoDaddy.com LLC is domain name registrar for www.vivantastay.in.

37. Defendant No. 4 – Reliance Jio Infocomm Limited is the service provider for the phone number +91 9137329010 [provided on the website of Defendant No. 1].

38. Defendant No. 5 – HDFC Bank has been impleaded for the reason that Defendant No. 2's bank details pertained to a bank account registered with Defendant No.5.

39. Defendant Nos. 3 to 5 have been impleaded as pro forma parties for effective implementation of the orders of this Court.

40. It is contended that Defendant Nos. 1 and 2, their directors and all/any acting on their behalf have dishonestly adopted the Plaintiff's well-known registered mark 'VIVANTA' and are misleading customers by making them believe that the services offered by said Defendants are associated with the Plaintiff.

41. Aggrieved by the aforesaid, the Plaintiff has been constrained to file the present suit along with this application seeking interim reliefs.

42. This Court has heard the learned counsel for the Plaintiff and perused the record.

43. It is stated that Defendants have been served with advance paper-book on 13.10.2025 as per Rules. However, none appears on behalf of Defendants.

44. The Plaintiff is the registered proprietor of the 'VIVANTA' marks in several classes and the Plaintiff's 'VIVANTA' trademark has already been



declared as a well-known trademark by this Court.

45. A perusal of the averments made in the plaint and documents placed on record shows that the Defendant Nos. 1 and 2 acknowledge the proprietary rights of the Plaintiff in the trademark 'VIVANTA'. The Plaintiff has placed on record Defendant No. 2's reply dated 26.04.2025 and the representation of Defendant No. 1 to the Plaintiff on 02.07.2025.

46. The use of identical mark 'VIVANTA' by Defendant Nos. 1 and 2 for running their business of offering vacations/packages and reality business ex-facie infringes the Plaintiff's well-known trademark 'VIVANTA'. Further, the domain name www.vivantastay.in used by Defendant No. 1 also uses the Plaintiff's trademark 'VIVANTA'.

47. The averments made in the plaint also show that Defendant No. 1 appears to be a fraudulent entity who is untraceable. The plaint states that there are complaints by users with respect to the fraudulent acts of Defendant No. 1. Therefore, vis-à-vis Defendant No. 1, it would be in the interest of the unwary consumers that the said Defendant is enjoined from using the Plaintiff's trademark to lure them. The adoption of Plaintiff's well-known trademark 'VIVANTA', which has tremendous goodwill in the hospitality industry for the activities of vacation and villas by Defendant No. 1 appears to be deliberate and mischievous as the consumers may be led to believe that these are services being offered by the Plaintiff.

48. Moreover, Defendant No. 2 has already undertaken to the Plaintiff to discontinue the use of the impugned mark.

49. In view of the above, the Plaintiff has made out a prima facie case for grant of an ad-interim injunction. Balance of convenience lies in favour of the Plaintiff, and irreparable harm will be caused to the Plaintiff's reputation



and goodwill, in case Defendant Nos. 1 and 2 are not restrained.

50. Accordingly, until the next of hearing, following directions are issued:

- (a) Defendant Nos. 1 to 2, their directors and all others acting for and on behalf of them are hereby restrained from unauthorizedly using the Plaintiff's well-known and registered trademark 'VIVANTA' for its infringing activities bearing the marks VIVANTA STAYS/VIVANTA REALTY or any other mark deceptively similar mark thereto in any form or manner [both online and offline] amounting to infringement of the Plaintiff's various VIVANTA trademark registrations, the details of which are mentioned at paragraph 14 of the plaint.
- (b) Defendant Nos. 1 and 2 are directed to take down all references to the Plaintiff's well-known and registered trademark 'VIVANTA' from the Defendants' social media accounts and any other online platforms as well as offline physical use in the form of hoardings, etc. The Defendant No. 1 will also take down its website.
- (c) Defendant No. 3 [i.e., the concerned domain name registrar] is directed to lock and suspend the impugned domain name – www.vivantastay.in within one [1] week from today and also provide the details of registrant of the said domain name to the Plaintiff within one [1] week.
- (d) Defendant No. 4 is directed to provide the KYC details of the user of the mobile number +91 9137329010 to the Plaintiff, within one [1] week.
- (e) Defendant No. 5 is directed to provide KYC details of the bank account no. 50100137983438 and IFSC HDFC0000522 to the



Plaintiff, within one [1] week.

51. Issue notice to Defendant Nos. 1 and 2, through all permissible modes. Affidavit of service be filed within two (2) weeks.

52. Let the notice state that the reply to this application be filed by Defendant Nos. 1 and 2 within four [4] weeks from the date of receipt of the order. Rejoinder thereto, if any, be filed within three [3] weeks thereafter.

53. Notice is not being issued to Defendant Nos. 3 to 5 as the said Defendants are proforma parties. The said Defendants will file their compliance affidavit within four (4) weeks.

54. Compliance of Order XXXIX Rule 3 of CPC be done within a period of ten (10) days from today.

55. List before the learned Joint Registrar (J) on **11.12.2025**.

56. List before Court on **26.02.2026**.

57. 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 17, 2025/hp/MG