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

+ **CS(COMM) 1187/2025 & I.As. 27617-20/2025**

**ITC LIMITED & ANR. ....Plaintiffs**

Through: Mr. Arvind K. Nigam, Sr. Advocate with Mr. Gopal Jain, Ms. Shyel Trehan, Mr. Tanmay Mehta, Ms. Suhrita Majumdar, Mr. Debjyoti Sarkar, Mr. Afzal B. Khan, Mr. Sharad Besoya, Mr. Agnish Aditya, Ms. Vidhi Jain and Mr. Rohan Poddar, Advocates

versus

**BUKHARA INN ....Defendant**

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**O R D E R**

**%**

**07.11.2025**

**I.A. 27620/2025 (seeking exemption from filing dim/illegible documents)**

1. Subject to the Plaintiffs filing the typed copies of dim/illegible documents sought to be relied upon at paragraph 2 of the captioned application, within four (4) weeks from today, exemption is granted for the present.

2. The application is disposed of.

**I.A. 27619/2025 (seeking leave to file additional documents)**

3. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ['CPC'] [as amended by the Commercial Courts Act, 2015] read with Section 151 CPC,



within thirty (30) days.

4. The Plaintiffs, if it wishes to file additional documents will file the same within thirty (30) days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').

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

6. Accordingly, the application is disposed of.

**I.A. 27618/2025 (seeking exemption for instituting pre-litigation mediation)**

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

8. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**<sup>1</sup>, exemption from the requirement of pre-institution mediation is granted to the plaintiff.

9. Accordingly, the application stands disposed of.

**CS(COMM) 1187/2025**

10. Let the plaint be registered as a suit.

11. Summons be issued to the Defendant by all permissible modes on filing of process fee. Affidavit of service be filed within one (1) week.

12. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The Defendant shall also file affidavits of admission/denial of the documents filed by the Plaintiffs, failing which the written statements shall not be taken on record.

13. The Plaintiffs are at liberty to file replications thereto within thirty



days after filing of the written statements. The replication shall be accompanied by affidavits of admission/denial in respect of the documents filed by the Defendant, failing which the replications shall not be taken on record.

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

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

16. List before the learned Joint Registrar for completion of service and pleadings, marking of exhibits and admission/denial of documents on **16.12.2025**.

17. List before the Court on **14.04.2026**.

**I.A. 27617/2025 (Under Order XXXIX Rule 1 and 2 CPC)**

18. This is an application filed under Order XXXIX Rules 1 and 2 CPC on behalf of the Plaintiffs seeking interim injunction against the Defendant.

19. This is an application under Order XXXIX Rule 1 and 2 CPC for grant of interim injunction.

20. Mr. Arvind Nigam, learned senior counsel appearing for the Plaintiff refers to the case set up in the plaint which is as under:-

20.1 Plaintiff No. 1 is a century-old diversified conglomerate engaged in businesses including FMCG, agri-products, hotels, paperboards, packaging, and education, with significant market capitalization and global recognition. The Plaintiff No. 1 launched their hotels business in 1975 with the acquisition of the “ITC-Welcom Group Hotel Chola” in Chennai and have since established themselves as leaders in India’s hospitality industry.

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<sup>1</sup> (2024) 5 SCC 815



Plaintiff No. 2, an associate company of Plaintiff No. 1, was incorporated following a demerger of ITC's hotels and hospitality business and operates the hotel and restaurant business under ITC's renowned trademarks such as 'BUKHARA' and 'ITC HOTELS'.

20.2 Collectively, the Plaintiffs are prominent players in the Indian hospitality industry, operating over 140 luxury and premium hotels across multiple segments and enjoying substantial goodwill and reputation in their field. The Plaintiffs have earned substantial goodwill and reputation for their sustainable, high-quality service offerings, supported by their strong digital presence through websites like '[www.itcportal.com](http://www.itcportal.com)' and '[www.itchotels.in](http://www.itchotels.in)'.

20.3 The Plaintiffs launched their iconic 'BUKHARA' fine-dine restaurant at ITC Maurya, New Delhi, in the late 1970s, offering North-West Frontier cuisine crafted under the expertise of Chef Madan Lal Jaiswal. Over four decades, 'BUKHARA' has become a global culinary landmark. For the financial year 2024–25, 'BUKHARA' generated revenue of approximately ₹48.84 crores.

20.4 The Plaintiffs hold multiple trademark registrations for 'BUKHARA' across several classes dating back to 1985, with certificates and renewals filed as Document No. 11 along with the plaint.

20.5 Coordinate Bench of this Court, in CS(COMM) 781/2022 titled as 'ITC Limited v. Central Park Estates Pvt. Ltd.', formally declared 'BUKHARA' a well-known trademark under Section 2(1)(zg) of the Trade Marks Act, 1999 ['Act of 1999'] which was also published by Trade Marks Journal No. 2177 on 07.10.2024.

#### **Defendants Infringement**

20.6 The Defendant is operating in Delhi under the names BUKHARA



INN, HOTEL BUKHARA, and HOTEL BUKHARA INN ('impugned marks'), thereby dishonestly using the Plaintiffs' registered trademark 'BUKHARA'. Although the Defendant has no official website, its listings appear on travel platforms such as TripAdvisor, Yatra, Agoda, and Google. Photographs of the Defendant's impugned marks are at paragraph 33 of the plaint.

20.7 Upon discovering the infringing use in late 2024, the Plaintiffs issued a cease-and-desist notice dated 31.12.2024, demanding that the Defendant to cease-and-desist from unlawfully using its 'BUKHARA' trademark in violation of the Plaintiffs' proprietary rights. In response dated 09.01.2025, to the Plaintiffs' cease-and-desist notice, the Defendant admitted that its use of the mark 'BUKHARA' was subsequent to the Plaintiffs', and the establishment is run by one Mr. Syed Usama Shaban Bukhari but it refused to comply with the notice, claiming its operations were limited to an 11-room guest house.

The Plaintiffs, by their communication dated 03.04.2025, rebutted the Defendant's defenses, explaining the legal infirmities therein. However, the Defendant, by a further reply dated 16.04.2025, again declined compliance, attempting to justify its use under Section 35 of the Act of 1999 and alleging a connection to the city of Bukhara in Uzbekistan.

#### **Submissions on behalf of the Plaintiffs**

21. Learned senior counsel for the Plaintiffs submits that the Defendant's subsequent adoption of the identical mark 'BUKHARA' for its hospitality services is a blatant and dishonest violation of the Plaintiffs' statutory and common law rights in the well-known trademark 'BUKHARA'.

21.1 He submits that Plaintiff No. 1 is the prior adopter, user, and



registered proprietor of its well-known trademark 'BUKHARA', and Plaintiff No. 2 is its authorized licensee. He submits that despite repeated opportunities, the Defendant has refused to cease using the mark, clearly intending to pass off its hotel as being associated with the Plaintiffs' renowned 'BUKHARA' restaurant.

21.2 He states that the Defendant has asserted in its reply by referring to Section 35 of the Act of 1999 that its use of the mark BUKHARA is protected as it is a part of his name. He states however this is incorrect as the Defendant's name is 'BUKHARI' and not 'BUKHARA'. He states that Defendant in its reply to the cease-and-desist notice has admitted that the rival marks are similar.

21.3 He submits that the Plaintiffs' well-known trademark 'BUKHARA', owing to decades of continuous and exclusive use, has acquired immense goodwill and distinctiveness and the Defendant's unauthorized use dilutes this distinctiveness, tarnishes the Plaintiffs' reputation, and erodes consumer trust.

21.4 He submits that the Defendant's actions amount to trademark infringement under Section 29 of the Act of 1999 misrepresentation, and passing off, as they create consumer confusion and dilute the Plaintiffs' hard-earned goodwill and reputation, further, by unlawfully exploiting the Plaintiffs' established brand equity and goodwill for commercial gain without any legitimate basis, the Defendant has engaged in acts of unfair competition. He submits that by offering inferior services under the same mark, the Defendant is free riding on the Plaintiffs' goodwill and causing irreparable harm to their brand value and reputation built over more than four decades.



## **Findings and Directions**

22. The Court has heard the learned counsel for the Plaintiff and has perused the record.

23. Mr. Nigam, learned senior counsel for the Plaintiffs states that an advance copy of the paper-book was served on the Defendant on 04.11.2025 and on its counsel on 05.11.2025, who issued the reply to the cease-and-desist notice. However, none appears on behalf of the Defendant.

24. The Plaintiffs launched the well-known fine dine restaurant 'BUKHARA' in the late 1970s, and have got several trademark registrations, first application being filed in 1985, to protect its mark 'BUKHARA'. Several trademark registrations obtained by the Plaintiff for the mark 'BUKHARA' is at Document 11 filed along with the plaint. The Plaintiffs' restaurant under the mark BUKHARA has unparalleled reputation not only in Delhi, but also in India and abroad. It is listed amongst the finest dining restaurant in India. With its declaration as a well-known mark, the said mark also gains the additional protection available to it under Section 29 (4) of the Act of 1999.

25. Defendant is running a hotel/inn under the impugned marks, which has been objected to by the Plaintiff by serving the Defendant with a cease-and-desist notices, however, the Defendant in its two replies, has outrightly denied stopping using the mark 'BUKHARA' and has referred to Section 35 of the Act of 1999. However, this Court *prima facie* finds merit in the submission of the Plaintiffs that since the Defendant's family name is BUKHARI, it has no reasonable justification for using the Plaintiff's well-known mark BUKHARA. The comparison table given at paragraph 40 of the plaint establishes the infringement of the Plaintiffs' well-known



trademark 'BUKHARA', which has been completely copied by the Defendant.

26. In view of the submissions made by the learned counsel for the Plaintiffs' and the documents placed on record, it *prima facie* appears to this Court that the Defendant's adoption of the 'BUKHARA' mark was with full knowledge of its prior, well-known status, and is not a *bona fide* descriptive use. The Defendant's continued defiance despite multiple opportunities demonstrates *mala fides* and deliberate infringement of the Plaintiffs' statutory and proprietary rights in the 'BUKHARA' trademark.

27. In view of the aforesaid, this Court is of the *prima facie* opinion that that Plaintiffs have established a case of grant of an *ad-interim* injunction in their favour and against the Defendant. The balance of convenience also lies in favour of the Plaintiffs and irreparable loss would be caused to the Plaintiffs, if the *ex-parte* *ad-interim* injunction is not granted at this stage.

28. Accordingly, till the next date of hearing, the Defendant, its officers, directors, associates, licensees, servants, agents, assigns, agents, distributors, marketers, suppliers, and all others in active concert or participation with them, as well as successor-in-business, legal representatives or anyone claiming through or under them, are hereby restrained from in any manner infringing/passing off the Plaintiffs' trademark 'BUKHARA' or

'**BUKHARA**', and/or enabling others to infringing/pass off the Plaintiffs'

trademark 'BUKHARA' or '**BUKHARA**', and/or any other mark/name identical to and/or deceptively similar to the Plaintiffs' trademark

'BUKHARA' or '**BUKHARA**'.



29. Issue notice.
30. Reply to the application be filed by Defendant, within four (4) weeks.
31. Rejoinder thereto, if any, be filed within three (3) weeks thereafter.
32. Provisions of Order XXXIX Rule 3 CPC be complied with within one (1) week from today.
33. List before the learned Joint Registrar for completion of service and pleadings, marking of exhibits and admission/denial of documents on **16.12.2025**.
34. List before the Court on **14.04.2026**.
35. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://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**  
**NOVEMBER 7, 2025/rhc/AM**