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

+ **CS(COMM) 79/2026**

HAPPI PLANET ECO PRODUCTS PRIVATE LIMITEDPlaintiff

Through: Mr. Chander M. Lall, Senior Advocate
alongwith Mr. Subhash Bhutoria, Ms.
Anuja Negi, Ms. Annanya Mehan and
Mr. Tushar Gulati, Advocates.

versus

RAVI MALANI TRADING AS FEBWAY INDIA & ORS.

.....Defendants

Through: Mr. Deepak Singh, Advocate for D-1.
Mr. Manas Raghuvanshi, Advocate for
D-8.
Mr. Saikrishna Rajagopal, Mr. Vivek
Ayyagari and Mr. Abhay Aren,
Advocates for Meesho/D-10.
Mr. Jayant Malik and Mr. Nishant
Shokeen, Advocates for D-11.
Ms. Nidhi Raman, CGSC alongwith
Mr. Om Ram and Mr. Arnav Mittal,
Advocates for CCPA(UOI)/D-12.
Mr. Sumit Nagpal, SPC alongwith Mr.
Sarthak Rana, G.P. for D-13.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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28.01.2026

I.A. 2287/2026 (Exemption from Pre-Litigation Mediation)

1. This is an application filed by the plaintiff seeking exemption from instituting Pre-Institution Mediation under Section 12A of the Commercial Courts Act, 2015 (“CC Act”).
2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*, (2024) 5 SCC 815, exemption from the requirement of Pre-Institution Mediation is



granted.

3. The application stands disposed of.

I.A. 2286/2026 (Additional Documents)

4. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ('CPC') as applicable to commercial suits under the CC Act seeking leave to place on record additional documents.

5. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018 within thirty (30) days from the date.

6. Accordingly, the application stands disposed of.

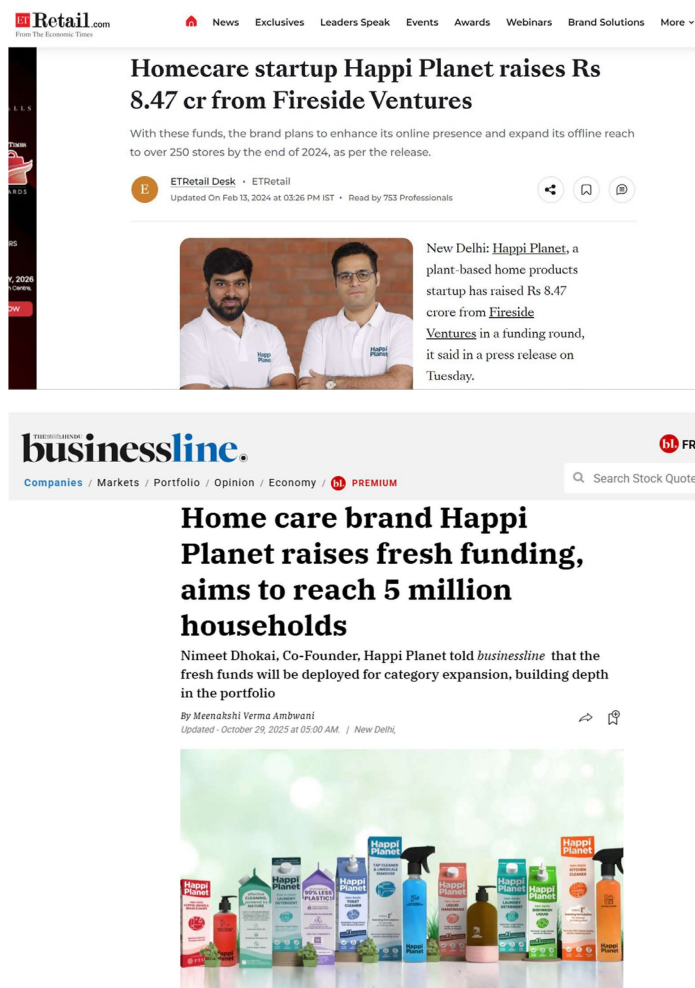
I.A. 2285/2026 (u/O XXXIX Rules 1 & 2 read with Section 151 of CPC)

7. The plaintiff claims to have conceived and commenced the business in personal and home care segment under the distinct branding and identity, "Happi Planet". Plaintiff also claims to have established its market presence through selling and offering for sale as also promotion of its products under the said brand and mark through the domain name www.happi-planet.com. It claims to have launched the first commercial use of the trademark "Happi Planet" on 01.11.2021. Subsequently, the plaintiff company is stated to have been incorporated in the month of January, 2022 under the Indian laws. On 11.03.2022, an application for registration of "Happi Planet" (word mark) in Class-3, claiming use since 01.11.2021 was submitted with the Trade Marks Registry. On the basis of the popularity and success of the "Happi Planet" brand, the plaintiff claims to have received significant venture capital funding from reputed investors.

8. Plaintiff claims to have established a distinct market presence by offering eco-friendly home care solutions of products, which are free from harmful toxins and are certified 'Readily Biodegradable' as per the OECD 301



Standards of Biodegradability. It also claims use of paper based cartoons and 100% percent recycled PET bottles for packaging thereby restricting the consumption of virgin plastic significantly. It claims certification of its products as ‘India’s No.1 Home Safe Brand, Recommended by Doctors’ by a leading market research agency. Plaintiff also claims that its commitment to natural ingredient and safe formulations has cultivated a loyal consumer base which aided in distinguishing itself in a competitive market. As a vindication of its brand, the plaintiff claims to have secured about Rs.28 crores in funding from reputed venture capital investors. One such media reporting is extracted hereunder:

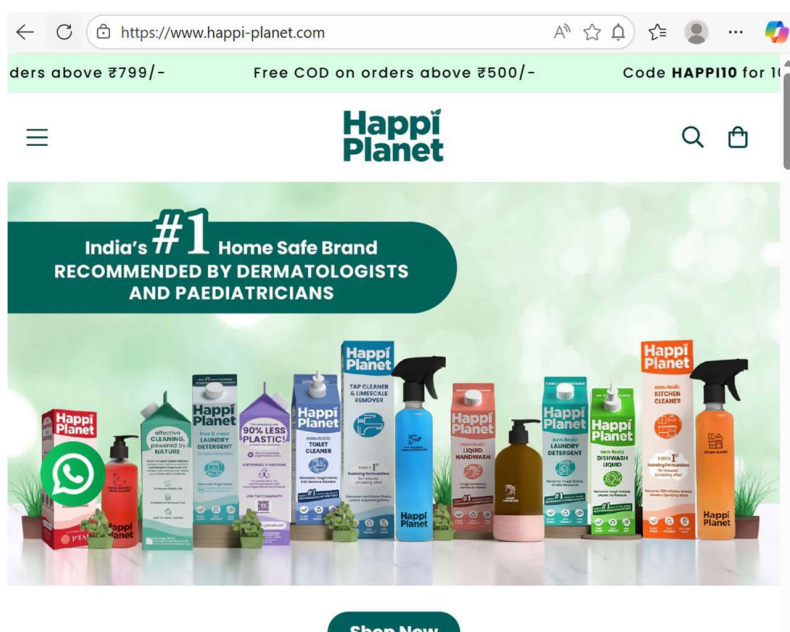


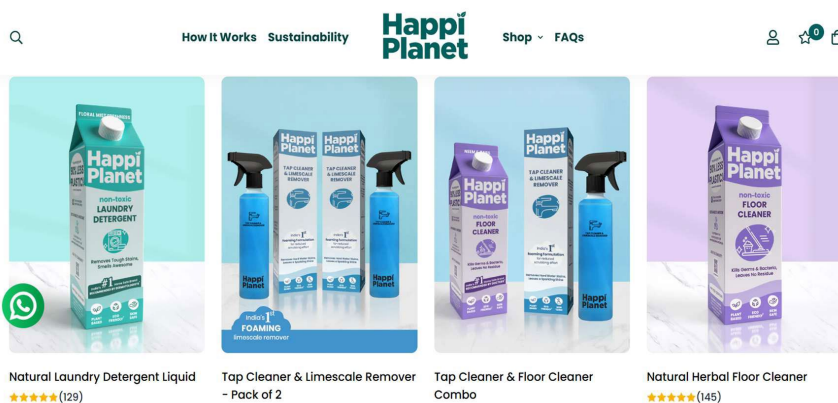
9. The annual figures of revenue for FY 2022-23 is Rs. 0.46 crores and by the FY 2025-26 the revenue is stated to be touching Rs. 36.37 crores. Apart



from its e-commerce website, plaintiff claims to offer its products for sale through leading e-commerce platforms like Amazon, Flipkart and Zepto. Plaintiff also claims to have expanded its offline presence through retail stores in Delhi, Mumbai, and Bangalore etc. Plaintiff claims to have also engaged prominent influencers with substantial following on media platforms such as Instagram, etc. Such details have been provided in para 8 of the plaint. Plaintiff claims to have put in substantial use the social media, search engine marketing, digital advertisements, online promotions and content-driven campaigns to build its presence. The expenses incurred on marketing and brand building activities are set out in the para 10 of the plaint. It claims that by FY 2025-26 the expenditure touched approximately Rs. 14.01 crores, which was Rs.0.18 crores in FY 2022-23. The continuity in use since 2021 of the brand “Happi Planet” has been set out in para 12 of the plaint.

10. Plaintiff claims to have adopted a distinctive packaging including unique colour schemes, visual motifs and overall distinctive presentation style. The distinctive packaging are outlined in para 13 of the plaint, which are extracted hereunder:







11. This distinctive trademark and unique packaging is stated to be a brand identity, which is a valuable intellectual property. Plaintiff claims to have invested considerable effort, creativity and commercial insight into developing distinctive visual elements, comprising of the packaging, colour scheme, unique design motifs, and overall get-up of its products and packaging. As per the plaintiff, this unique and distinctive packaging has acquired substantial goodwill and consumer association. The details of plaintiff's trademark and copyright applications for registration of the intellectual properties are set out in para 15 of the plaint, which are extracted hereunder:





TRADEMARKS:

Trademark	TMA No.	Class and Description	DoA	DoU
Happi Planet	5366260	[CLASS : 3] non-medicated cosmetics and toiletry preparations; non-medicated	11-03-2022	01-11-2021




		dentifrices; Perfumery, essential oils; Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations		
Happi Planet	6630488	[CLASS: 16] Plastic garbage bags; Paper garbage bags; Plastic garbage bags for household use; Trash can liners [trash or garbage bags]; Tissue paper; Plastic foils; Plastic wrap; Packaging bags of plastic; Paper bags; Trash bags of plastic.		
Happi Planet	7202878	[CLASS: 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	30-11-2021
Happi Planet	7202879	[CLASS: 16] Plastic garbage bags; Paper garbage bags; Plastic garbage bags for household use; Trash can liners [trash or garbage bags]; Tissue paper; Plastic foils; Plastic wrap; Packaging bags of plastic; Paper bags; Trash bags of plastic.	28-08-2025	30-11-2021
	7202880	[CLASS: 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	05-09-2024
	7202881	[CLASS: 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	05-09-2024





	7202882	[CLASS : 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	31-12-2024
	7202883	[CLASS: 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	31-12-2024
	7202884	[CLASS: 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	31-12-2024
	7202885	[CLASS: 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	31-12-2024
Happi Planet	7202927	[CLASS: 35] Advertising, Business management, Business administration, Office functions, Wholesale and retail services in relation to Bleaching Preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	28-08-2025	30-05-2021
Happi Planet	7202928	[CLASS: 35] Advertising, Business management, Business administration, Office functions, Wholesale and retail services in relation to Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive	28-08-2025	30-11-2021



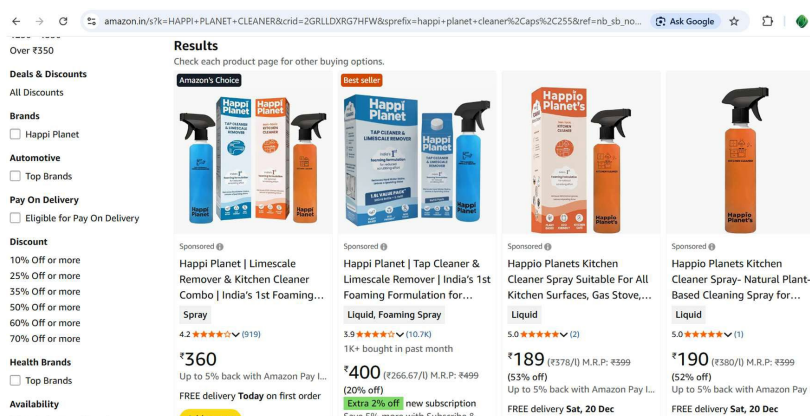
		preparations; Detergent soap.		
	7242460	[CLASS : 3] Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Detergent soap.	17-09-2025	02-08-2022
HappyPlanet	7377531	[CLASS: 3] nonmedicated Cosmetics and toiletry preparations; nonmedicated dentifrices; Perfumery, essential oils; Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations	03-12-2025	30-05-2021

COPYRIGHTS:

S NO.	DIARY NO.	ARTWORK
1	Registered AT-20250162521	
2	Registered AT-20250162522	



12. So far as the defendants are concerned, the plaintiff contends that defendant no.1 to 7 are counterfeiters who are not only selling sub-standard products, resulting in dilution of the plaintiff's goodwill, reputation and high standard of products but also violating the trademark "Happi Planet" and the copyrights over the original artistic work of its packaging and trade dress. In para 17 of the plaint, the plaintiff has attempted to bring out the misuse and infringement of not only the trademark but also the copyrights by defendant nos. 1 to 7 who are not only infringing the trademark of the plaintiff but also infringing the copyright by offering for sale their inferior sub-standard products in near identical/deceptively similar or identical trade dress and packaging. One such image available online on Amazon (defendant no.8), is extracted hereunder:



13. Some of the defendants/counterfeiters identified by the plaintiff are also noted in para 17 of the plaint. The same are reproduced as under

Parameters	Plaintiff	Defendants/Counterfeiters
Seller Name in online listings.	<ul style="list-style-type: none">• RK Infocomm (Amazon)• SuperComNet (Flipkart)	<ul style="list-style-type: none">• HappiPlanets• HappiPlaanet• Niska Enterprise,• CLENIUE89• HappiiPlanet• Vaibhav Enterprise Sales,• Fressy Life,• Khodal Raj Enterprise• HydeXL,• SilverWyn• DealFusion



		<ul style="list-style-type: none">• USVenture01• 11 Color• Shopivo Enterprise• VrajShopping• Zap Clean• Ostrich Store• Kanvi Creation• BTCP (Mamordica)
Branding	Happi Planet 	<ul style="list-style-type: none">• Happi Planet• Happy Planet• Happio Planet's• Hipipa Planet• Happi Planets• HappiPlanet• HappiiPlanet• • 
Trade Dress/ Packaging	 	 



14. On a detailed market investigation and online test purchases conducted by the plaintiff, it was revealed that several infringing products are being offered for sale and sold on e-commerce platforms by entities whose identities was either concealed or fictitiously presented. Such products bear striking similarity in packaging, trade dress and overall presentation to the plaintiff's goods. Plaintiff submits that the e-commerce platforms have permitted hundreds of third parties to sell and market the infringing and counterfeit products over their platforms. A list of such infringing products on e-commerce platforms is enlisted in para 19 of the plaint. Plaintiff claims that despite notices being issued by the plaintiff to the e-commerce website, only one of such e-commerce website has taken down certain infringing listings.

15. Photographs of the infringing products have been enumerated in para 24 of the plaint. Plaintiff claims that such large scale and rampant sale of counterfeit and infringing products on e-commerce website has and continues to cause irreparable harm, loss, and injury to the plaintiff's business, goodwill and intellectual property rights. Plaintiff claims that the defendants are engaging in illicit trade and riding on the back of the plaintiff's goodwill and reputation. Plaintiff claims that in case sale of such infringing and counterfeit products are not restrained, the same may pose serious health risk to consumers of such products. The plaintiff states that such acts of infringement would significantly damage its brand reputation, dilution of the goodwill and loss of consumer trust painstakingly built over time. Plaintiff prays that the *ex-parte*



ad-interim injunction be passed against defendant nos. 1 to 7 and appropriate directions for taking down the listings be passed against defendant nos. 8 to 11.

16. Having heard the learned senior counsel for the plaintiff and upon perusing the plaint and the records available, this Court is of the *prima facie* opinion that an *ex-parte ad-interim* injunction is in order. Learned senior counsel had handed over the Bench the products being manufactured and sold by the plaintiff's on one hand, and those being manufactured and offered for sale over the e-commerce platforms by defendant nos. 1 to 7, and such other entities whose identity the plaintiff has not been able to ascertain due to deliberate concealment. Having compared the products, this Court is of the opinion that not only do the infringing products contain the trademark "Happi Planet" of the plaintiff but also are packaged in near identical or deceptively similar packaging and trade dress. The artistic work, the trade dress and packaging is so identical that it took a while for this Court to distinguish between the two. The Court is of the opinion that the plaintiff has a *prima facie* strong case. Keeping in view the fact that the plaintiff is the owner of registered copyrights in its original artistic works, packaging and trade dress, and has already applied for registration of its trademark "Happi Planet", the balance of convenience is tilted in favour of the plaintiff. Having regard to the fact that the defendants and other unknown entities are infringing the trademark and registered artistic work of the plaintiff and are also offering for sale counterfeit products as claimed by the plaintiff, in case restraint orders sought by way of *ex-parte ad-interim* injunction is not passed, the loss and injury in terms of harm to its credibility, goodwill, reputation and standard of products may not be compensated in monetary terms alone.

17. Predicated on the above, the following directions are necessitated:

- a. The defendant nos.1 to 7 and all persons acting for or on their behalf are restrained from using in any manner plaintiff's well-known



brand trademarks “Happi Planet” and the distinctive packaging/proprietary trade dress, details of which are provided in para 15(a) of the plaint suit, including *inter alia* HAPPY PLANET,



HIPIPA PLANET et al, and/or plaintiff’s copyright in the artistic work, packaging and trade dress, details of which are provided in para 15(b) of the plaint suit.

b. The defendant nos.8 to 11 and all persons acting for or on their behalf are directed to block and/or suspend the infringing listings including the listings mentioned in para 19 of the plaint suit and to delist and/or black-list the defendants and any other third party, which found to be infringing upon/violating the plaintiff’s intellectual properties, and brand reputation.

c. It is further directed that defendant nos.8 to 11 to take down the infringing listings forthwith and since the injunction is dynamic in nature, the plaintiff is permitted to furnish any such infringing listings directly to the aforementioned e-commerce platforms namely Amazon, Flipkart, Meesho and Jiomart without approaching this Court. If any infringing listings are forwarded, the defendant nos.8 to 11 namely Amazon, Flipkart, Meesho and Jiomart, shall take down the infringing listings forthwith. The defendant nos.8 to 11 are also directed to furnish to the Court as also the plaintiff the Basic Subscriber Information (BSI) details, by way of a compliance affidavit to be filed within two weeks from today.

18. Issue notice.

19. Mr. Deepak Singh, learned counsel has entered appearance on behalf of defendant no.1 and seeks some time to obtain instructions in this regard from the defendant no.1.



20. Let the reply to this application be filed by the defendant nos.2 to 7 within 4 weeks from service and rejoinder, thereto, if any, be filed within 2 weeks thereafter.

21. The compliance of Order XXXIX Rule 3 of the CPC, 1906 be carried out within a week.

22. List on 30.01.2026.

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23. In the above circumstances, let the plaint be registered as a suit.

24. Mr. Deepak Singh, learned counsel has entered appearance on behalf of defendant no.1. Mr. Manas Raghuvanshi, learned counsel has entered appearance on behalf of defendant no.8. Mr. Saikrishna Rajagopal and Mr. Jayant Malik, learned counsel have entered appearance on behalf of defendant nos.10 and 11. Ms. Nidhi Raman, CGSC accepts notice for UOI/defendant no.12, whereas Mr. Sumit Nagpal, SPC accepts notice for the defendant no.13/Controller General of Patent, Design and Trademarks.

25. Mr. Deepak Singh learned counsel appearing for defendant no.1 submits that he has received an advance copy of the suit plaint along with the applications and annexure yesterday evening and would seek appropriate instructions from defendant no.1.

26. Issue summons of the suit to the remaining defendants through all permissible modes upon filing of the process fees.

27. The summons shall state that the Written Statement shall be filed by the defendant nos.2 to 7 within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant nos.2 to 7 shall also file an affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

28. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication



filed by the plaintiff, an affidavit of Admission/Denial of the documents of defendant nos.2 to 7 be filed by the plaintiff, without which the Replication shall not be taken on record.

29. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

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

31. List on 30.01.2026 before Court to enable Mr. Deepak Singh to complete his instructions.

32. In the meantime, defendant nos.8 to 11 shall comply with the directions as mentioned in para 17 above.

TUSHAR RAO GEDELA, J

JANUARY 28, 2026

Kct/rl