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

+ **CS(COMM) 145/2026**

GEM AND JEWELLERY INFORMATION CENTRE AND ANR

.....Plaintiffs

Through: Mr. Neeraj K. Grover, Mr. Yatin
Chadha, Mr. Mayank Chadha, Mr.
Gurvinder Singh, Ms. Dolly Luthra and
Mr. Ashna Singh, Advocates.

versus

GUNJAN JAIN AND ORS

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

20.02.2026

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I.A. 4129/2026 (Exemption from Pre-Institution Mediation)

1. This is an application filed by the plaintiffs seeking exemption from instituting pre-litigation 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. 4130/2026 (Exemption from filing of Documents)

4. This is an application filed on behalf of the plaintiffs under Section 151 of Code of Civil Procedure, 1908 ('CPC') seeking exemption from filing clear and true typed copies of the documents.

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5. Exemption is allowed, subject to just exceptions. The clear and typed/translated copies of the documents with proper margins of the dim annexures be filed within four weeks with an advance copy to the defendants.

6. The application stands disposed of.

I.A. 4131/2026 (Exemption from Advance Notice to Defendant)

7. This is an application filed by the plaintiffs under Section 151 of CPC seeking exemption from advance service to the defendant.

8. Mr. Neeraj K. Grover, learned counsel for the plaintiffs submits that there is a real and imminent likelihood that the defendant may take immediate steps to dispose of, conceal or suppress its infringing business operations bearing the deceptively similar trademark.

9. In view of the fact that the plaintiffs have sought an urgent *ex-parte ad-interim* injunction along with the appointment of Local Commissioner, the exemption from advance service to the defendant is granted.

10. The application is disposed of.

I.A. 4133/2026 (Additional Documents)

11. The present application has been filed on behalf of the plaintiffs under Order XI Rule 1(4) of the CPC as applicable to commercial suits under the CC Act seeking leave to place on record additional documents.

12. The plaintiffs are permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

13. Accordingly, the application stands disposed of.

I.A. 4134/2026 (HASH report)

14. This is an application under Section 151 CPC filed on behalf of plaintiffs seeking extension for filing hash report under Section 63(4)(C) of the Bhartiya Sakshya Adhiniyam, 2023.

15. For the reasons stated therein, the application is allowed. The plaintiffs
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are directed to file the Hash Report within four weeks from date.

16. The application stands disposed of.

I.A. 4135/2026 (Requesting for Masking of the Identity of the parties)

17. This is an application under Section 151 of the CPC filed on behalf of plaintiffs seeking permission for the masking of the identities of the parties.

18. Since there is no issue in respect of privacy rights of an individual involved in the present suit, nor is there any information relatable either to the plaintiff or the defendant which if not kept confidential would cause any prejudice either to the parties as such or to their identities, the application is rejected.

19. The application stands disposed of.

I.A. 4136/2026 (Seeking permission to file confidential document, trade secrets and proprietary material in a sealed cover)

20. This is an application under Section 151 CPC filed on behalf of plaintiffs seeking permission to file confidential documents, trade secrets and proprietary material in a sealed cover.

21. For the reasons stated therein, the plaintiff is permitted to file confidential documents, trade secrets, proprietary databases and other sensitive material in a sealed cover/envelope, with access thereto.

22. The application is allowed.

23. The application stands disposed of.

I.A. 4128/2026 (Stay)

24. Present application has been filed on behalf of the plaintiffs under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendants.

25. The plaintiff nos.1 & 2 claim to be one of the oldest and most reputed entities in the gems and jewellery industry since the years 1963 and 1973 respectively in the business of publishing magazines and directories,
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dissemination of industry specific information, organisation of trade exhibitions, conferences, award shows and allied commercial activities relating to the jewellery sectors in India and abroad. Plaintiffs claim that the foundation and success of their business is built upon various streams of data that the plaintiffs collected, curated, analysed, sorted, compiled, utilised and preserved as trade secrets and a vast body of confidential information, proprietary and copyrightable databases, sensitive business, financial information and commercial knowhow, claimed to have been exclusively developed by the plaintiff over several decades and sustained investment of time, capital, skill, labour and industry insights and engagements. Plaintiffs claim to have expanded their business to other publications namely, Indian Jeweller, Diamond Handbook of India and several other publications/newsletters pursuant to the strategic vision and direction of the plaintiffs' management. It is claimed that the plaintiffs have been able to consolidate their position as a dominant B2B growth accelerator in the gem and jewellery sector. The list of publications are reproduced below:

| S. No. | Name of the Publication | Frequency/ Periodicity | No. of issues till date |
|--------|---------------------------|------------------------|-------------------------|
| 1. | Journal of Gems Industry | Bi-Monthly | 300 |
| 2. | Diamond World | Bi-Monthly | 330 |
| 3. | Indian Jeweller | Bi-Monthly | 90 |
| 4. | Diamond Handbook of India | Yearly | 20 |

26. Plaintiffs claim that the magazines which are published are a result of hard work, meticulous editorial planning, research, curation and production undertaken by professionals. They claim that the process of identifying themes, sourcing content, selection and arrangement of material compiling data, designing layouts for the magazines and thereafter marketing the publication purely involved the application of plaintiffs' proprietary methodologies, confidential databases, industrial relationships and creative skills. Plaintiffs assert that the entire above mentioned process constituted

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original literary works within the meaning stipulated in the Copyrights Act, 1957 being the first, true and exclusive owner. In the year 1999, plaintiff no.2 expanded the publication business through its website *www.diamondworld.net* and through the mobile by way of an application named as “Diamond World News”. The news app is claimed to be a platform for the global gem and jewellery sector, providing upto the minute information on market developments, brand launches, industry trends, interviews with key industry figures, fashion and design updates, relevant to jewellery professionals and enthusiasts. Some of the screenshots are annexed in the list of documents.

27. In the year 2016, the plaintiff no.1 expanded its operation into the business of B2B jewellery exhibitions, awards, trade shows, conferences and ancillary events. The exhibitions are meant to connect jewellery and diamond manufacturers, wholesalers and designers with high potential retailers, exporters and business partners. Plaintiffs claim to have exclusive developed methodology as to how the selection out of such entities is to be carried out. This screening and allocation of spaces in the exhibitions scheduled to be held, is itself stated to be involving application of the plaintiffs’ exclusive data bases which are all copyrightable. One of such exhibitions was conducted from 24th to 26th September, 2016 at Taj Palace, New Delhi. The booklets and promotional material alongwith photographs are annexed as Document 7 accompanying the plaint.

28. Plaintiff no.1 claims to have successfully organised and conducted more than 25 high profile jewellery exhibitions under two names “Couture India – A Business Boutique Show” and “Pret by Couture India”. Some photographs and other material are filed as Document 8 accompanying the plaint.

29. Another aspect averred by the plaintiffs is the Directory Business and Proprietary Industrial Compilation which involves creation, publication, sale

and licensing of specialized industry directories for the gem and jewellery trade, in both print and digital formats for the persons related to the trade. The said directories are curated and verified compilation of industry participants, business profile, contact particulars, product specializations, geographic presence, etc. compiled through the application of substantial editorial judgment, verification, categorisation and updating which has transpired over the last many decades. The entire information pertaining to the aforesaid directories and proprietary compilations are claimed to be the original literary works, which are copyrightable exclusively in favour of the plaintiffs. The plaintiffs have also provided similar directories on its website www.indianjeweller.in that have become extremely popular which are not available in the public domain and the plaintiffs claim copyrights on such information too. The availability of such directories are reproduced hereunder:



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30. The plaintiff has claimed consistent growth in turnover and substantial and recurring expenditure on promotion, branding etc. to indicate its study and strong goodwill, reputation and recognition over the last many decades. The year-wise turnover and promotional expenses certified by an independent Chartered Accountant are tabulated hereunder:

| Financial Year | Plaintiff No. 1 (Gem and Jewellery Information Centre) | | Plaintiff No. 2 (International Journal House) | |
|----------------|--|------------------------------|---|------------------------------|
| | Turnover (INR.) | Expenses on promotion (INR.) | Turnover (INR.) | Expenses on promotion (INR.) |
| 2020-21 | 4,88,99,205.77 | 34,35,657.19 | 1,12,07,827.72 | 9,23,745.27 |
| 2021-22 | 11,83,20,185.73 | 81,15,373.91 | 1,28,81,218.19 | 16,43,915.57 |
| 2022-23 | 15,06,21,661.99 | 1,17,43,392.92 | 1,75,13,304.41 | 30,37,404.92 |
| 2023-24 | 15,60,61,080.08 | 1,65,68,269.62 | 2,11,35,256.32 | 36,39,447.48 |
| 2024-25 | 16,53,11,385.15 | 1,95,88,918.61 | 2,25,85,570.55 | 33,01,991.90 |

31. Thus, the plaintiffs claim that their proprietary access can be categorized into three distinct classes namely, Confidential Information/Data, Trade Secrets and Business Know-How which is given in detail in para 27 of the plaint and is not reproduced hereunder for the sake of brevity. As to how the original work, data, compilation or database created, compiled etc. form CS(COMM) 145/2026

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part of plaintiffs' copyrights are detailed in para 30 of the plaint.

32. Plaintiffs claim that defendant no.1 Mr. Gunjan Jain, was employed with the plaintiffs from 25.09.2001 until 25.05.2025. Over the course of his employment and length of his service, defendant no.1 was entrusted progressively higher operational and managerial responsibilities which required coordination with advertisers, exhibitors and industry participants. Over the years, defendant no.1 eventually functions in the capacity of a Business Head in certain verticals. Plaintiffs claim that he was privy to e-mails and other strategic planning and management of plaintiffs' copyrightable data and hence, had complete access to most of the information available with the plaintiffs in respect of its essential and core business.

33. Defendant no.2/Ms. Vijetha Rangabashyam is claimed to have worked with plaintiff no.2 at the post of "Head of Content" from 01.06.2022 to 15.07.2024. Defendant no.3 is claimed to be a partnership firm in which defendant no.1 is a partner who actively controls and manages its affairs. To indicate as to how deeply, defendant no.1 was involved with key responsibilities of the plaintiffs' business, a table giving such details is enumerated in para 40 of the plaint.

34. Plaintiffs claim that abruptly on 25.05.2025, defendant no.1 informed about the decision to resign immediately without serving any prior notice or duly handing over all the relevant and confidential information/data which he was privy to as an employee of the plaintiffs. Plaintiffs claim that the abrupt resignation was a well thought of and pre-conceived plan to unauthorizedly retain all the copyrightable information including databases, trade secrets, directories and all other business related information which would cumulatively be "Trade Secrets" of the plaintiffs which itself is copyrightable. Plaintiffs claim that the precursor to the dishonest intention of the defendant no.1 to misuse the unauthorizedly obtained trade secrets is the launch of a

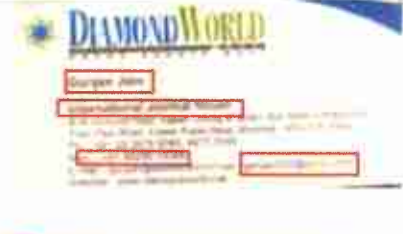
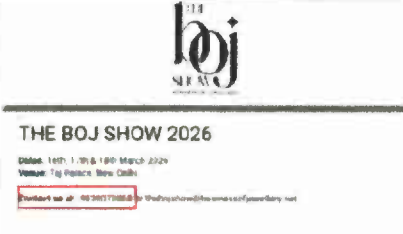


business magazine and creation of an Instagram account titled “Business of Jewellery” in the month of October, 2023, while he was in the employment of the plaintiffs. Plaintiffs also assert that while in its service, the defendant no.1 had applied for trade mark registration of “boj” on 17.09.2024 in Classes 16 & 41 on a proposed to be used basis. In fact, defendant no.1 is stated to have acquired the domain name *www.businessofjewellery.net* on 15.10.2024, which too, was during his service with the plaintiffs. The first magazine on Instagram was posted on 19.06.2025, which is 24 days after the resignation tendered by defendant no.1 and according to the plaintiffs, it is an unachievable task which could not have been achieved without using the plaintiffs’ confidential and proprietary information/data as a spring board.

35. Apart from the above, the defendant no.1 is claimed to have published his magazine “Business of Jewellery” in the month of August, 2025, which too is an unachievable task which could not have been achieved without using the plaintiffs’ confidential and proprietary information/data as a spring board. The defendant no.1 is also claimed to be organising an exhibition in the Taj Palace Hotel in New Delhi, which too, according to the plaintiffs, is an unachievable task and could not have been achieved without using the plaintiffs’ confidential and proprietary information/data as a spring board. More details are provided in para 50, 51, 52, 53, 54 of the plaint.


36. The cause of action for the present suit is stated to be an e-mail dated 28.01.2026 addressed to the plaintiffs by one of the plaintiffs’ exhibitors/clients seeking clarifications as to whether the “BOJ/Business of Jewellery” exhibition proposed to be held at Taj Palace, New Delhi, is being organised by the plaintiffs. This communication clearly indicated to the plaintiffs that the defendants have collusively and to deceive and confuse not only the exhibitors/clients of the plaintiffs but all other similarly situated persons, reached out to such exhibitors and clients so as to project as if they

are associated with the plaintiffs unauthorizedly using the plaintiffs' confidential and proprietary information/data which is copyrightable.

37. Plaintiffs claim that defendant no.1 has used his official e-mail address namely, *gunjan@diamondworld.net* for all communications and on the sly, deliberately used his personal e-mail address *gunjan562@gmail.com* for communicating with exhibitors, vendors and industry participants for the plaintiffs' exhibition business. It is claimed that the defendant no.1 is using the same e-mail ID to promote his business thereby creating confusion in the market deliberately. The deceptive similarity and confusingly similar business being sought to be run by defendant no.1 with that of the plaintiffs is clear from the following table:

| Defendant no.1's contact information while working with the plaintiffs | Defendant no.1's contact information running deceptively and confusingly similar business |
|--|---|
|  <p>A screenshot of the Diamond World website showing contact information for Gunjan Jain. Red boxes highlight the name, email address, and phone number.</p> |  <p>A screenshot of the 'THE BOJ SHOW 2026' website. It features the 'hoj' logo and contact information for Gunjan Jain. Red boxes highlight the name, email address, and phone number.</p> |
|  <p>A screenshot of the Indian Jeweller website showing contact information for Gunjan Jain. Red boxes highlight the name, email address, and phone number.</p> |  <p>A screenshot of a jewelry advertisement featuring a necklace with a large pendant. The background is dark with gold jewelry.</p> |

38. Predicated on the above, the plaintiffs seek *ex-parte ad-interim* injunction including appointment of the Local Commissioner for urgent reliefs.

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39. Having perused the plaint and examining the documents placed on record, it appears that the plaintiffs have been able to, *prima facie*, place a strong case for an *ex-parte ad-interim* injunction. The association of the defendant no.1 with the plaintiffs for almost 25 years reaching to the stage of Business Head in certain verticals coupled with the manner in which the defendant no.1 while in service is alleged to have created his own website and applied for registration of a trademark of his intended business during his employment coupled with the manner in which he is stated to have resigned and set up his business and the scheduling of the exhibition appears to be suspicious. On that count and on account of the plaintiffs' existence from the last almost six decades, the balance of convenience appears to be in favour of the plaintiffs. In case, *ex-parte ad-interim* injunction as prayed for, are not granted at this stage, there is a likelihood of plaintiffs suffering great and irreparable injury which may not be adequately compensated in monetary terms.

40. Accordingly, the following directions are passed:

- a. Defendants, their partners, proprietors, directors, employees, agents, associates, affiliates, successors, assigns, representatives and all other persons acting for on their behalf are restrained from using, exploiting or relying upon the plaintiffs' confidential information/data, proprietary databases, trade secrets, editorial concepts, layouts, exhibition formats, business know-how or copyrighted works, whether in print, digital, online or physical form, in manner whatsoever, during the course of their business activities.
- b. Defendants, their partners, proprietors, directors, employees, agents, associates, affiliates, successors, assigns, representatives and all other persons acting for on their behalf are restrained from reproducing, copying, adapting, imitating or deriving inspiration from the plaintiffs'

copyrighted works, including editorial content.

- c. Defendants, their partners, proprietors, directors, employees, agents, associates, affiliates, successors, assigns, representatives and all other persons acting for on their behalf are restrained from using or revealing any confidential and proprietary Information/Data, trade secret, business know how and business sensitive information obtained illegally or otherwise during the course of their employment with the plaintiffs to any other third parties or for their own purposes.

41. Issue notice.

42. Let a reply to this application be filed by the defendant within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

43. List before this Court on 13.03.2026 for consideration of this application.

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44. Let the plaint be registered as a suit.

45. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.

46. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

47. 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 be filed by the plaintiff, without which the Replication shall not be taken on record.

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48. 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.

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

50. List before the Joint Registrar (Judicial) on 28.04.2026 for completion of service and pleadings.

51. List before the Court on 31.08.2026.

I.A. 4132/2026 (Appointment of Local Commissioner)

52. The present application has been filed by the plaintiffs under Order XXVI Rule 9 read with Order XXXIX Rule 7 of CPC seeking appointment of Local Commissioners. The Court has considered the merits of the plaintiffs' case and has granted an *ex-parte ad-interim* injunction as recorded above.

53. After having perused the plaint and the documents in support thereof and hearing learned counsel for the plaintiffs, this Court is of the *prima facie* opinion that in order to preserve the evidence of the alleged infraction by the defendant and in order to ensure that the injunction is fully complied with, it may be appropriate to appoint Local Commissioners. Accordingly, the following are appointed as Local Commissioners with a direction to visit the premises of the defendant specified against their names:-

| S.No | Name and Contact Details of the Local Commissioners | Location |
|------|---|--|
| 1. | Mr.Rahul Sharma, Advocate. Ph: 9312206726 | Unit No. 716, 7th Floor, Signature Elite Plot No. J- 7, Gokul Vihar, Narayan Singh Circle, Govind Marg, Jaipur, Rajasthan – 302004, India. |

| | | |
|----|--|---|
| 2. | Mr. Karanveer Kathuria, Advocate. Ph: 9818822257 | C-49, Panchsheel Colony, Opposite Purani Chungi Chowki, Ajmer Road, Jaipur – 302006, Rajasthan, India. |
|----|--|---|

54. The Commission be executed with the following directions:-

- (i) Local Commissioners shall visit the premises of the defendant as outlined above to conduct search and inspect for the purpose of identifying material containing or relating to the plaintiffs' confidential and proprietary information, trade secrets and copyrighted content and may be accompanied by representatives of the plaintiffs in order to assist in conducting inspection of the said premises.
- (ii) Local Commissioners shall seize and secure all physical documents belonging to or relating to the plaintiffs, including contracts, notebooks, printouts, reports, directories, exhibition records, editorial material, pricing data, exhibitor and vendor details, and other business records found in the possession or control of the defendants.
- (iii) Local Commissioners shall create forensic mirror images/exact digital copies of all laptops, desktops, hard disks, external storage devices, pen drives, mobile phones and other electronic devices used by the defendants, including workstations presently in use, so as to preserve all electronic data, emails, chats, files, folders, metadata and system logs, without altering the original data;
- (iv) Local Commissioners shall ask the defendants to disclose login credentials for relevant devices, email accounts and cloud-based storage systems to the Local Commissioner for the limited purpose of securing and preserving data by taking a backup if necessary of such information.
- (v) Local Commissioners are permitted to take photographs/videos of the infringing materials and the defendant's premises so visited;

- (vi) To ensure unhindered and effective execution of the Commission, the Station House Officer (SHO) of the local police station within whose jurisdiction the premises of defendant lie, is directed to render all necessary assistance and protection to the Local Commissioners, if and when sought;
- (vii) The Local Commissioners, while executing the Commission, shall ensure that there is no disruption to the business of the defendant, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner;
- (viii) The Local Commissioners are permitted to take assistance of an expert, if so required, for the smooth and successful execution of the Commission.

55. The Commission be executed within a period of ten (10) days from the date of receipt of order and the report of the Local Commissioners shall be filed within a period of two weeks thereafter.

56. The fees of the Local Commissioners are fixed at Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) each, excluding out of pocket expenses, travel, lodging etc., to be borne by the plaintiffs and paid in advance to the Local Commissioners.

57. Compliance of Order XXXIX Rule 3 of CPC shall be done within a week after the execution of the Commission.

58. It is directed that this Order shall not be uploaded on the Court's website till the execution of the commission is completed within the timeline and parameters directed in paras 54 and 55 above, so as to enable its effective execution.

59. Concerned parties shall comply with the directions in the order without waiting for the certified copy of the same.

60. Accordingly, the application is allowed and is disposed of.

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61. Order *dasti* under the signatures of the Court Master.


TUSHAR RAO GEDELA, J

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