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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 629/2025 & CAV 232/2025, I.As. 14815/2025,
14816/2025, 14817/2025, 14818/2025, 14819/2025, 14820/2025
HINDUSTAN UNILEVER LIMITEDPlaintiff

Through: Mr. Sandeep Sethi, Sr. Adv., Mr. Saikrishna Rajagopal, Sr. Adv. with Mr. Vivek Ayyagari, Mr. Sulien George, Mr. Arjun Ghadhoke & Mr. Abhinav Bhalla, Advs.

versus

RSPL LIMITEDDefendant

Through: Mr. C.M. Lall, Sr. Adv. with Ms. Nancy Roy, Ms. Annanya Chug & Mr. Prashant, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER

% 20.06.2025

1. This hearing has been done through hybrid mode.

CAV 232/2025

2. Since the Caveator has entered appearance, Caveat is discharged.

I.A. 14820/2025 (for exemption)

3. This is an application filed by the Plaintiffs seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, proper margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.



4. Exemption is allowed, in the above terms, subject to all just exceptions. Accordingly, the application is disposed of.

I.A. 14816/2025 (u/s 12A)

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

6. Considering the facts and circumstances of the present case, the Court is satisfied that in terms of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D Keerthi*, (2023 LiveLaw (SC) 906), the present suit contemplates urgent *interim* relief.

7. Accordingly, the exemption is allowed and application is disposed of.

I.A. 14817/2025 (for court fee)

8. The present application has been filed by the Plaintiff seeking exemption from filing requisite Court fee.

9. The Court fee is stated to have been paid by the Plaintiff. Accordingly the present application is infructuous and the same is disposed of.

I.A. 14818/2025

10. The present application has been filed by the Plaintiff seeking permission to place on record video recordings on digital storage devices.

11. The video recordings are taken on record. Application is disposed of.

I.A. 14819/2025 (for additional documents)

12. This is an application filed by the Plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.

13. The Plaintiffs, if wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015



and the Delhi High Court (Original Side) Rules, 2018. Application is disposed of.

CS(COMM) 629/2025

14. Let the plaint be registered as a suit.
15. Issue summons to the Defendant through all modes upon filing of Process Fee. Summons are accepted by Id. Counsel for the Defendant.
16. The written statement to the plaint shall be positively filed within 30 days. Along with the written statement, the Defendant 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.
17. Liberty is given to the Plaintiff to file the replication within 15 days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendant, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
18. List before the Roster bench on 16th July, 2025.

I.A. 14815/2025 (u/O XXXIX Rules 1 & 2 CPC)

19. Issue notice in the present application. Ld. Counsel for the Defendant accepts notice.
20. The present suit has been filed by the Plaintiff- Hindustan Unilever Ltd. seeking an injunction against Defendant- RSPL Ltd. from disparaging the Plaintiff's product *i.e.* Surf Excel detergent. The stand of the Plaintiff is that it is one of the market leaders in the category of detergent, washing powder, etc. The Plaintiff has a turnover of approximately Rs.11,000 Crore per annum for the 'Surf' branded products. The 'Surf' products are sold by



the Plaintiff in various packaging, out of which, the prominent packaging is the blue package called 'Surf Excel'. The said brand itself was launched in the year 1996 by the Plaintiff.

21. In the year 2004, the product of the Plaintiff underwent a definitive transition and changed its branding to 'Surf Excel Blue'. The branding, 'Surf Excel Blue', was however discontinued in the year 2012 and is now branded as 'Surf Excel Easy Wash'.

22. The Defendant is the manufacturer and seller of 'Ghadi' detergent and has launched a series of advertisements in the first week of June, 2025.

23. The impugned advertisements in the present case are four commercials launched by the Defendant through multiple television and digital advertisements for its 'Ghadi' detergent powder, which have allegedly targeted, ridiculed, and made unsubstantiated derogatory claims about the Plaintiff's flagship product 'Surf Excel'. The storyboards of the said commercials have been placed on record and the commercials have also been viewed.

24. According to the Plaintiff, the said series of advertisements are targeting the Plaintiff's product *i.e.* 'Surf Excel' and are also tarnishing and disparaging the said product by use of various inappropriate and defamatory/disparaging expressions and terminologies.

25. Mr. Sandeep Sethi, Id. Senior Counsel appearing for the Plaintiff submits that there are at least three elements which establish that the impugned advertisements are targeting the Plaintiff and its products. The said elements pointed out by the Id. Senior Counsel are:

- (i) Use of a light blue and dark blue packaging;
- (ii) Use of the term 'XL Blue'; and



(iii) Use of expression '*Iske jhaag acche hai, daam acche hai*', which clearly points and refers to the advertisement campaign of the Plaintiff under the slogan '*Daag Acche Hai*'.

26. It is further submitted by the Id. Senior Counsel appearing for the Plaintiff that in these commercials, there are expressions which are completely defamatory to the Plaintiff's product. Expressions such as '*Na Na, yeh dhoka hai*' and '*Aapka kare badi badi baatein, dho nahi patey*' are used in respect of the Plaintiff's product. It is, therefore, prayed that the impugned advertisements be enjoined.

27. On behalf of Defendant, Mr. C.M. Lall, Id. Senior Counsel has firstly pointed out that the Plaintiff does not have a monopoly on the word 'Excel' as there is a disclaimer on the Plaintiff's trademark registration No.1065243 for the mark 'Excel'.

28. It is further submitted by the Id. Senior Counsel for the Defendant that there are various other blue packaged washing detergents in the market. Moreover, the Plaintiff's own packaging is not clear as it does not comprise of just blue but also has various other distinguishing elements in the same. Reference is also made to other products such as Fena, Ariel, Henko, Ghadi and Wheel which also use the blue packaging.

29. Further, it is submitted by the Id. Senior Counsel for the Defendant that words 'XL Blue' and 'XL' are itself registered trademarks of a third party since 2018.

30. The Court has heard the Id. Senior Counsels appearing on behalf of the parties.

31. The first impugned advertisement was launched on 3rd June 2025 and thereafter, on 7th June 2025, the other three advertisements were launched.



A Cease-and-Desist Notice was issued by the Plaintiff to the Defendant on 7th June, 2025. However, the requisitions of the Plaintiff were denied leading to filing of the present suit.

32. This Court is currently hearing this matter in the Vacation Bench. The Court has viewed the four commercials against which the interim injunction is being sought. The settled legal position in this regard has been considered and decided in various decisions of this Court passed by the Co-ordinate Benches as also Division Benches. The said legal position can be summarised as under in simple terms:

- (i) That it is permissible for an advertiser to undertake an advertising campaign to promote its own product so long as the same is not deliberately tarnishing or defaming the competitor's product; and
- (ii) There ought to be no derogatory remarks made against any competitor's product.
- (iii) While puffing is permissible, defamation and tarnishment is not.

33. After applying these principles, the Court is of the *prima facie* opinion that the manner in which the advertisements themselves flow, from a lay persons point of view, clearly the reference that is being made to the competitor's product by the Defendant could be taken to be 'Surf Excel' i.e. product of the Plaintiff.

34. Under such circumstances, though comparative advertising by itself could be healthy, remarks that are derogatory and defamatory, would not be permissible and therefore, as an *ad-interim* arrangement, this Court is *prima facie* inclined to direct the Defendant to remove the following phrases which are clearly derogatory and make negative innuendos *qua* the Plaintiff's 'Surf Excel' product, from the impugned advertisements:



- *'Aapka kare badi badi baatein par dho nahi paate'*
[*'Your product makes tall claims but cannot wash'*]
- *'Iske jhaag acche hai, daam acche hai'*
[*'Its foam is good, price is good'*- Expressions which clearly refers to the Plaintiff's product *prima facie* and appear to be derived from the *'Daag ache hai'* campaign of the Plaintiff]
- *'Na Na, yeh dhoka hai'*
[*'No, No, this is a fraud (product)'*]

35. The Defendant shall carry out the proper amendments in the impugned advertisements by 24th June 2025 and only then telecast/broadcast the impugned commercials.

36. Let the reply be filed within two weeks. Rejoinder within two weeks thereafter.

37. List before the Roster Bench on 16th July, 2025.

PRATHIBA M. SINGH
(VACATION JUDGE)

JUNE 20, 2025

Ck/Ck