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

% *Date of Decision: 21.04.2026*

+ **FAO(OS) (COMM) 88/2026 CM APPL. 22574-75/2026**

**MR. AKASH ARORA TRADING AS M/S GRAND CHEMICAL
WORKS** Appellant

Through: Mr. Darpan Wadhwa, Sr. Adv. with
Mr. Sudeep Chatterjee, Mr. Rohan
Swarup, Ms. Tanya Arora, Mr. Rajit
Ghosh, Ms. Aastha Verma, Mr.
Shitanshu Abhishek, Advs.

versus

**RECKITT AND COLMAN OVERSEAS) HYGIENE HOME
LIMITED & ORS.** Respondents

Through: Mr. Chander M Lall, Sr. Adv. with
Ms. Nancy Roy, Ms. Prakriti
Varshney and Mr Prashant, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

FAO(OS) (COMM) 88/2026 and CM APPL. 22574/2026

1. The present appeal has been filed against the judgment dated 28.03.2026 passed by the learned Single Judge in I.A. No. 46336/2024 filed in CS (COMM) No. 1052/2024, whereby the Respondent's (i.e. plaintiff's) application for interim injunction has been allowed and the Appellant (i.e., defendant) has been restrained from using the impugned trade dresses for its



product 'Glass cleaner- , Toilet Cleaner-



and Disinfectant- '.



2. In this order we are considering a limited prayer of the Appellant seeking leave to exhaust its packaged stock and unpackaged stock bearing impugned trade dresses only for its two products (i) Toilet Cleaner; and (ii) Glass Cleaner, under its trademark 'GAINDA'.

The Appellant has clarified that it is not seeking any relief *qua* the



trade dress of Surface Cleaner/ , which has also been enjoined.

3. The Appellant has filed an affidavit dated 10.04.2026 furnishing details of the batch numbers of the packaged stock of Toilet Cleaner and Glass Cleaner manufactured in the last three months with GST invoice numbers. The Appellant states that these products are already in the market with its distributors and/or retailers and the Appellant seeks permission to sell the stock in a time bound manner ('Products existing in the market').

In addition to the existing manufactured and packaged goods, the



Appellant seeks leave to use its unfinished packaging stock consisting of the empty bottles, labels, bottle caps etc. which have been procured from third-party vendors, but are yet to be filled up with the liquid and packaged at the factory ('Products to be packaged and sold to the market'). The Appellant seeks a period of 90 days to complete packaging of this unfinished inventory packaging inventory of plastic bottles and and sell the same in the market.

4. The Appellant states that for the product Toilet Cleaner, 7,15,000 packaged bottles were already in the market, with the distributors/retailers, before the issuance of the injunction order. It is stated that additionally the Appellant seeks leave to package the 2,40,000 empty plastic bottles of Toilet Cleaner lying in its factory premises.

Similarly, for its product Glass Cleaner, it submits that 2,15,000 packaged bottles were already in the market, with the distributors/retailers, before the issuance of the injunction order. It is stated that additionally the Appellant seeks leave to package the 1,20,000 empty bottles of Glass Cleaner lying in its factory.

The Appellant submits that Respondent can carry out verification of the existing empty bottles of the Toilet Cleaner (2,40,000) and Glass Cleaner (1,20,000) and also documents and invoices evidencing the already manufactured goods i.e., Toilet Cleaner (7,15,000) and Glass Cleaner (2,15,000). It is further submitted that all sales would be duly accounted for and reported to the Court by way of invoices and audited statements.

5. Mr. Darpan Wadhwa, learned senior counsel for the Appellant states that the Appellant sells the goods under its trademark 'GAINDA' and there is no dispute with respect to the distinctiveness of the said mark. He states that the mark 'GAINDA' is distinct from the Respondent's marks



‘HARPIC’ and ‘COLIN’ and therefore, there is no likelihood of confusion with the consumers. He states that the dispute is only pertaining to the shape of the bottles, which would be decided by this Court in the appeal, on merits. He states that it is the admitted case in the plaint that Appellant had been selling these products since 2019 and though, this suit was filed in 2025 the injunction has only been granted on 28.03.2026. He stated that in these circumstances, as an interim measure the Court while granting the interim injunction ought to have given reasonable time to the Appellants to clear its existing stocks. He states that such a direction would have been merited to balance the rights of the parties.

5.1 He states that if the Appellant is not permitted to sell the inventory there will be a financial loss as the inventory would become dead waste leading to grave economic hardship and environmental waste. He states that Respondent can be compensated for its alleged financial loss as the Appellant will file the invoices of sale before the Court.

5.2 He states that the Appellant reserves its right to address the appeal on merits with respect to the untenable proprietary claim of the Respondent on the shape of the bottles, after the design registrations for the bottles have admittedly lapsed. He states that the Respondent cannot claim proprietary rights on the shape of the bottle(s) which is completely functional.

5.3 He submits that I.A. No. 8747/2026, which had been filed before the learned Single Judge seeking permission to exhaust existing stock, was subsequently withdrawn on 17.04.2026 in light of the detailed disclosure already placed on record pursuant to the Court’s order dated 08.04.2026. He states that through the affidavit dated 10.04.2026, the Appellant has comprehensively disclosed its finished and unfinished inventory, including



stock already in the market and lying with it, thereby addressing the concerns underlying the earlier application. He states that in these circumstances, and with the issue of stock exhaustion being effectively subsumed within the present proceedings and disclosures before the Court, the Appellant chose to withdraw the said application.

5.4 He states that the Appellant has a turnover in excess of Rs. 50 crores and is not a fly-by-night operator and therefore, the accounts maintained by it for the sales will duly protect the interests of the Respondent.

5.5 He states that period of 90 days prayed for at paragraph 14 of the affidavit dated 10.04.2026 is for permitting the Appellant to complete packaging and liquidate the stock at its end.

5.6 He states that Appellant's retailers may be granted one (1) year to liquidate the inventory of the Products existing in the market and Products to the packaged and sold in the market.

6. In reply, Mr. Chander M Lall, learned senior counsel for the Respondent states that no such permission can be granted to the Appellant unless the Appellant is willing to accept the impugned judgment as the final order. He states if the Appellant accepts the impugned judgment and concedes to the proprietary claims of the Respondent, the Court may in such a situation consider permitting the Appellant to exhaust its stock as prayed for. He further submits that the volume of stock claimed by the Appellant is substantial and permitting its sale would allow the impugned goods to remain in circulation for a considerable period, thereby negating the injunction.

6.1 He states that the details of the finished and unfinished stock given in the affidavit dated 10.04.2026 are contrary to the pleadings made in I.A.



8747/2026 filed before the learned Single Judge for seeking similar relief. He states that the information furnished in affidavit dated 10.04.2026 is unreliable.

6.2 He states that the Respondent has 78% market share for these products and the Appellant only has 0.8% market share. He states that if the Appellant is permitted to release the unfinished stock in the market it would remain in circulation for several years considering the slow pace at which it is selling its goods.

6.3 He states that the Respondent became aware of the Appellant's activities in the course of enforcement proceedings against a third party engaged in manufacturing infringing bottles, against whom separate suit proceedings were instituted and injunction orders obtained.

6.4 He states that even after the passing of the impugned injunction order dated 28.03.2026, the Appellant has adopted another bottle shape/trade dress, which, according to the Respondent, is also deceptively similar to its bottles/trademark. It is contended that such conduct is impermissible, and the Respondent reserves its rights to take appropriate action in accordance with law.

6.5 He states that the liquid i.e., Toilet Cleaner and Glass Cleaner are not perishable in nature. The liquid contents can be repackaged in a non-infringing trade dress. The unused packaging material, including plastic bottles, do not have any shelf life. Therefore, no equity arises in favour of permitting use of existing inventory of bottles during the pendency of the appeal.

7. We have considered the submissions of the parties and the material facts have been noted in paragraph nos. 2, 3 and 4 of this order.



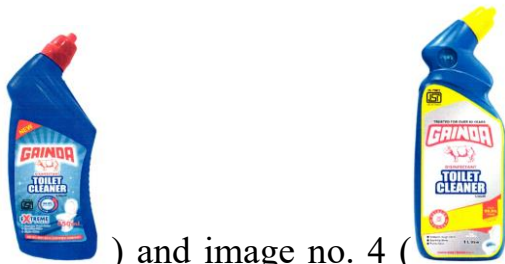
8. The inventory list provided by the Appellant and explained in its affidavit dated 10.04.2026, can be summarized reads as under:

Product Category	Tentative Market Stocks (In Pieces)	Inventory with Plant + Vendor (In Pieces)	Total Tentative Inventory
Toilet Cleaner	715000	240000	955000
Glass Cleaner	215000	120000	335000
Surface Cleaner	26000	35000	61000
Total	956000	395000	1351000

No relief has been sought *qua* the inventory of Surface Cleaner and is therefore not a subject matter of this order.

9. The Appellant has handed over sheet depicting the Respondent's product alongside the Appellant's impugned product in respect of the Toilet Cleaner, along with images of the Appellant's current packaging. The said sheet is annexed as **Schedule I** to this order.

10. Upon perusal of the material on record, and in particular image no. 2



() and image no. 4 () of **Schedule I**, a suggestion was put to the Appellant that, without prejudice to the rights and contentions of the parties, the Appellant can be permitted to utilize the existing 2,40,000 empty bottles subject to modifications in the trade dress, namely, that the cap shall be changed to yellow and the label shall correspond to the revised yellow label as reflected in image no. 4. Learned senior counsel for the Appellant, on instructions, accepts the said condition and undertakes that the existing



stock of 2,40,000 empty bottles (as seen in image no. 2) shall be packaged and used only with yellow caps and the revised yellow label (as seen in image no. 4). The Appellant sells its goods under a distinct trademark GAINDA and with the distinct yellow label as well as yellow cap, we are satisfied that the alleged similarity between the bottles will stand substantially reduced.

Accordingly, the Appellant is hereby permitted by this Court to utilize the said 2,40,000 empty bottles for packaging of the Toilet Cleaner with a yellow cap and the label as seen in image no. 4.

11. The Appellant has also handed over a similar sheet in respect of the Glass Cleaner, depicting the Respondent's product (image no. 1), the injuncted product (image no. 2), and the current packaging (image no. 4). The said sheet is also annexed as **Schedule I** to this order.



12. Having considered image no. 2 () and image no. 4 () of Schedule I, it is directed that for packaging the empty 1,20,000 bottles the Appellant shall replace the blue spray nozzle appearing in the impugned packaging (image no. 2) with the white spray nozzle as reflected in the revised packaging (image no. 4).

Subject to this modification, the Appellant is hereby permitted by this Court to utilize the existing stock of 1,20,000 empty bottles for packaging its product.



13. To address the concerns of the Respondent with respect to the authenticity of the numbers of empty bottles as well as the finished stocks provided by the Appellant in its affidavit dated 10.04.2026, we accept the submission of the Appellant, that Respondent's representative can visit the premises of the Appellant to verify the invoices pertaining to the finished stock, including goods ledger as well as the existence of the empty plastic bottles within three (3) days from today i.e., on or before 24.04.2026 at 11:00 A.M.

14. The Appellant will complete the packaging of the empty bottles on or before 31.05.2026. The Appellant will file an affidavit on or before 01.06.2026 in this appeal duly disclosing the manufacturing date and the batch numbers of the packaged inventory.

The Appellant and its distributors will be permitted to complete sale of the inventory to the retailer(s) till 31.07.2026, as prayed for at paragraph 14 of the affidavit dated 10.04.2026. After 31.07.2026, in case there is any stock lying with Appellant and/or its distributors, the same shall be recalled. After 31.07.2026, neither the Appellant nor its distributors will be permitted to sell the stock any further to the retailers. The Appellant will file an affidavit on or before 07.08.2026 making a full disclosure of the status of the sold and unsold inventory.

After 31.07.2026, if the stock is available with the retailers, the retailers shall be permitted to sell the said stock until 31.12.2026. However, after 31.12.2026 if any stock remains with the retailers the same shall be recalled by the Appellant and/or its distributors. The Appellant will file an affidavit on or before 07.01.2027 making a full disclosure of the status of the sold and unsold inventory.



15. We clarify that the aforesaid directions have been passed without expressing any opinion on the merits of the Appellant's challenge to the merits of the impugned judgment.

16. In our considered opinion, liberty to the Appellant for exhausting its inventory would be necessary to balance the equities, considering the fact that the Appellant had been in the market since 2016 and was bound to have inventory when the injunction was granted. It would have been appropriate to grant reasonable time to the Appellant to liquidate the stock and transition to new packaging. We find merit that the impact of the injunction may result in environmental waste and financial losses to the Appellant which would far outweigh the loss to the Respondent herein. Since the unsold stock of the Appellant is inventoried and the Appellant will file audited accounts, any alleged loss of profits to the Respondent can be compensated with the final decree. We are not persuaded that any undue loss will be caused to the Respondent if Appellant is permitted to exhaust its finished and unfinished stock in a time bound manner. Such a direction would be merited even if we were to reject the appeal and uphold the impugned judgment.

17. The issuance of such a direction is well within our jurisdiction as an Appellate Court while adjudicating upon the present interim application seeking stay of the impugned judgment.

18. The Appellant is directed to file an affidavit of its proprietor giving an undertaking accepting the terms and conditions imposed in this order within one (1) week. In case, no affidavit is filed, the Appellant will not be entitled to rely upon this order.



2026:DHC:3282-DB



19. List the appeal for further hearing on 08.07.2026.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

APRIL 21, 2026/hp/AM



SCHEDULE-I

TOILET CLEANER

RESPONDENTS' PRODUCT	APPELLANT'S PRODUCT (Impugned packaging)	APPELLANT'S MODIFIED PACKAGING AS PROPOSED DURING THE MEDIATION	APPELLANT'S CURRENT PACKAGING
			

GLASS CLEANER

RESPONDENTS' PRODUCT	APPELLANT'S ORIGINAL PRODUCT (Impugned packaging)	APPELLANT'S MODIFIED PACKAGING AS PROPOSED DURING THE MEDIATION	APPELLANT'S CURRENT PACKAGING
			