

Kavita S. J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 4586 OF 2024
IN
INTERIM APPLICATION (L) NO. 22226 OF 2023
IN
COMMERCIAL IPR SUIT (L) NO. 21853 OF 2023

Mangalam Organics Ltd.,

**...Applicant /
Plaintiff**

Versus

Patanjali Ayurved Ltd. & Ors.,

...Defendants

Mr. Hiren Kamod, Counsel a/w Anees Patel, Avisha Mehta, Mansoor Madarwala i/b Suvarna Joshi for the Applicant/Plaintiff.

Mr. Zal Andhyarujina, Senior Counsel (through V.C.) a/w Serena Jethmalani, Shaym, Radhika Kabra and Archit Virmani for Defendant No.1 present.

Ms. Charusheela Vaidya, IInd Assistant to the Court Receiver present.

Mr. Gajanan Surve, Section Officer, Office of the Court Receiver present.

CORAM : R.I. CHAGLA, J.

DATED : 21st JUNE, 2024.

ORDER :

1. Mr. Hiren Kamod, learned Counsel appearing for the Applicant/Plaintiff in the above Interim Application taken out under

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Order XXXIX Rule 2(A) of the Code of Civil Procedure, 1908 (“CPC”) for breach of the ad-interim Order dated 30th August, 2023 has referred to the Additional Affidavits which have been filed in support of the Application dated 13th March, 2024 and 30th April, 2024. He has submitted that the Defendants/Respondents are in continuous breach of the said ad-interim order. He has referred to the annexures to the Additional Affidavits which shows that there is manufacture as well as the sale of the Defendant’s impugned Camphor product viz. “Patanjali Aastha Kapoor Cone” at Patanjali Mega Store at Virar. The sale of the impugned Camphor product is borne out from the Invoices from 10th March, 2024 till 28th April, 2024 which have been relied upon. Further, the date of manufacturing appearing on the impugned product is March, 2024.

2. Mr. Kamod has also referred to the Reply Affidavit of the Defendants to the Application under Order XXXIX Rule 2(A) of the CPC which has been affirmed by one Rajnish Mishra who claims to be the authorized representative of Defendant No.1 vide Authority Letter dated 7th June, 2024 executed at Haridwar. He has been joined as Defendant No.10 in the present Application. He has in the Reply Affidavit filed on behalf of the Defendants submitted that the

Defendants have not sold any product post the order of this Court dated 30th August, 2023 except by one of the Defendant's outlets, more particularly, Patanjali Mega Store at Virar.

3. In Paragraph 9 of the said Reply Affidavit it is stated on behalf of the Defendants that the sale carried out in the said Patanjali Mega Store was purely inadvertent and un-intentional and the answering Respondent most respectfully apologies with folded hands and tenders an unconditional and unqualified apology for committing breach of the order passed by this Court. Further it is stated that the answering Respondent immediately intimated the concerned Mega Store to stop the sale of the Patanjali Camphor Cone until the order passed by this Court stands vacated. A reference has been made to certain errors made by the Defendants, more particularly, by one Patanjali Mega Store at Virar, for which error, the Defendants have sought the unconditional and unqualified apology from the Court.

4. Mr. Kamod has submitted that the statement made in the said Reply Affidavit of the Defendants is false and contrary to the material which has been brought on record by the Applicant. He has submitted that the alleged Letter of Authority dated 7th June, 2024 which has been referred to in the Reply Affidavit has not been

produced. He has submitted that the Defendants are in wilful disregard / breach of orders of this Court and for which they are answerable. He has submitted that the Directors of Defendant No.1 alongwith the said Rajnish Mishra be directed to be present on the next date as they are answerable for the persistent breaches of the orders of this Court.

5. Mr. Zal Andhyarujina, learned Senior Counsel appearing for the Defendants has sought time to place on record an Affidavit in response to the Additional Affidavits as well as filing Affidavit once again tendering unconditional apology which remains to be filed.

6. The Defendants shall file their Affidavit-in-Reply to the Additional Affidavits as well as Affidavit tendering apology sought to be filed within a period of one week from today.

7. The Applicants are at liberty to file Affidavit-in-Rejoinder thereto within a period of one week thereafter.

8. On the next date the Respondent No.10 shall remain present in the Court.

9. The Defendants/Respondents shall file Affidavit giving all

the details as to whether there are further sales of the impugned Camphor product of the Defendants after the said Order dated 30th August, 2023.

10. The earlier ad-interim order shall continue till the next date.

11. Place the matter on 8th July, 2024, High on Board.

[R.I. CHAGLA, J.]