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INTELLECTUAL PROPERTY RIGHTS

Tata Power Secures Permanent Injunction Against Trademark Infringement: A Learning from Delhi High Court's Summary Judgment

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PUBLISHED 6 August 2025

Introduction

In Tata Power Renewable Energy Limited & Ors. v. Ashok Kumar/S & Ors., CS(COMM) 1015/2024, the Delhi High Court dealt with a trademark infringement dispute involving continued misuse of Tata Power's well?known marks despite earlier interim injunctions. Proceeding under the summary judgment framework of the Commercial Courts Act, 2015, the Court granted a permanent injunction, directed suspension of an infringing domain name, ordered freezing of related bank accounts, and issued a dynamic injunction to address future instances of similar misuse.

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Background of the Dispute

The suit was originally filed after Tata Power Renewable Energy Limited, a part of Tata Group discovered that several parties were falsely representing themselves as authorized dealers or associates of the company. These misrepresentations were not only misleading but were also reportedly causing genuine consumers to fall prey to fraudulent schemes under the guise of dealership offers.

To protect its brand, Tata Power filed a suit for trademark infringement, passing off, and unfair trade practices. On 14 November 2024 and again on 8 April 2025, the Delhi High Court granted ex?parte ad?interim injunctions restraining the defendants from using Tata Power's registered trademarks or deceptively similar marks

The Court's primary focus shifted to two key defendants (Defendant No.1, a John Doe entity, and Defendant No.18), both of whom allegedly continued to deceive the public. According to Tata Power Renewable Energy Limited, innocent individuals were being misled by these parties who posed as official representatives of the brand.

Notably, both these defendants failed to appear before the Court or file written statements, despite efforts to serve notice.

Legal Reasoning by the Court

In its judgment, the Hon'ble Justice Manmeet Pritam Singh Arora observed that in the absence of any affidavit of admission/denial, the averments made in the plaint would be treated as admitted, as per Rule 3 of the Delhi High Court (Original Side) Rules, 2018.

Relying on Su?Kam Power Systems Ltd. v. Kunwer Sachdev, 2019?SCC?OnLine?Del?10764, the Court reiterated that Order?XIII?A of the Code of Civil Procedure, as amended by the Commercial Courts Act, 2015, empowers courts to grant summary judgment where the defendant has no real prospect of successfully defending the claim and there is no compelling reason to proceed to trial.

The Court further held that in such circumstances, there was no need to call for ex-parte evidence, and a summary judgment was warranted. In particular, the Court took note of the domain name and email addresses used by Defendant No.18, which were found to have "slavishly copied" the well-known marks of Tata Power. This clear imitation further established the case of trademark infringement and passing off.

The Court not only passed a decree of permanent injunction against Defendant Nos. 1 and 18, but also granted a dynamic injunction, empowering Tata Power to implead and seek relief against any other John Doe entity that may engage in similar infringing activities in the future.

This proactive relief is especially important given the increasing frequency of online impersonation and trademark misuse in digital platforms.

Conclusion

This case is a reminder of the seriousness with which Indian courts view intellectual property violations, especially those involving reputed brands. The summary judgment mechanism, coupled with dynamic injunctions, ensures that rights holders can act swiftly and effectively against present and future infringements.

Authors Opinion

The Delhi High Court's ruling in Tata Power Renewable Energy Ltd. v. Ashok Kumar/S & Ors. reflects a practical and forward-looking approach to trademark enforcement in India. By granting a summary judgment without ex-parte evidence due to the defendants' non-appearance the Court ensured swift relief in a clear case of brand misuse. The dynamic injunction granted to Tata Power is particularly significant, allowing the company to act against future infringers without initiating fresh proceedings each time, a necessary tool in today's digital environment where impersonation is rampant. The Court's reliance on Rule 3 of the Delhi High Court (Original Side) Rules, 2018, to treat unchallenged claims as admitted, further demonstrates judicial efficiency. The judgment reinforces the seriousness with which Indian courts view trademark violations and sets a strong precedent for timely, effective brand protection.

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