



\$~46

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1153/2025**
LOTUS HERBALS PRIVATE LIMITEDPlaintiff
Through: **Mr. Vaibhav Vutts, Ms. Aamna Hasan**
& Ms. Aarya Deshmukh, Advocates.

versus

LOTUS BEAUTY SALON PRIVATE LIMITEDDefendant
Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
03.11.2025

I.A. 26715/2025 (Application seeking urgent listing)

1. For the reasons stated in the Application, the same is allowed.
2. The Application stands disposed of.

I.A. 26712/2025 and I.A. 26714/2025 (Exemption)

3. Exemptions are allowed, subject to all just exceptions.
4. The Applications stands disposed of.

I.A. 26711/2025 (Exemption from pre-institution Mediation)

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 (“CC Act”).
6. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.



7. The Application stands disposed of.

CS(COMM) 1153/2025

8. Let the Complaint be registered as a Suit.

9. Issue Summons. Let the Summons be served to the Defendant through all permissible modes upon filing of the Process Fee.

10. 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. 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.

11. 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.

12. 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.

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

14. List before the learned Joint Registrar on 24.12.2025 for completion of service and pleadings.

I.A. 26713/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

15. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to Commercial Suits under the CC Act seeking leave to place on



record additional documents.

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

17. Accordingly, the Application stands disposed of.

I.A. 26710/2025 (U/O XXXIX Rules 1 and 2)

18. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

19. The Plaintiff has filed the present Suit seeking a permanent injunction restraining infringement of Trade Marks, 'LOTUS', LOTUS STUDIOS,' 'LOTUS HERBALS PROFESSIONAL', 'LOTUS SALON DE BEAUTE', 'LOTUS BEAUTY PARIOUR', 'LOTUS HERBALS BEAUTY SALON', 'LOTUS BEAUTY ACADEMY' and 'LOTUS SPA' ("**Plaintiff's Marks**"), Copyright, passing off, unfair competition, damages, rendition of accounts of profits and delivery up.

20. The learned Counsel for the Plaintiff made the following submissions:

20.1 The Plaintiff, popularly known as 'LOTUS' is a company duly incorporated under the Companies Act, 1956. The Plaintiff was originally incorporated as a Private Limited Company on 20.09.1993. The Plaintiff was converted into a Limited Company by resolution dated 12.06.1995. Thereafter from Limited Company, the Plaintiff has been converted into Private Limited Company with effect from 18.09.2014.

20.2 The Plaintiff is carrying on business of marketing of goods of skin care, hair care and make-up products including cosmetics, beauty, hygienic and health care, perfumes, toilet and bath



lotions, ayurvedic and medicinal preparation face washes and face cleansers etc. for approximately three decades. The Plaintiff at present has vast Stock Keeping Units, i.e., more than 1000s of skin, beauty and hair care products, each sold under the Mark 'LOTUS'. The Plaintiff has more than 1,87,600 retail outlets, 3000 modern trade outlets, 25,600 Salons and 26 exclusive 'LOTUS' brand outlets where the products under the Mark 'LOTUS' are being sold.

20.3 The Plaintiff has adopted the Mark 'LOTUS' in 1993, which also forms the prominent and integral part of the corporate name of the Plaintiff. Ever since its adoption, the mark 'LOTUS' is being used by the Plaintiff company on all its products as its House Mark. The Plaintiff's Marks have acquired a significant reputation amongst the trade and public. As a result of the use and promotion, the Plaintiff's Marks have become distinctive and enjoy extensive distinctiveness, goodwill and reputation in the market. The details of the Plaintiff's Marks are as under:

S. No.	Trademark	Word/ Device	Registration No	Date of filing	Class	Status
1	LOTUS	Word	1123692	2002.08.02	3	Registered
2	LOTUS HERBALS PROFESSIONAL SALON	Word	1423177	2006.02.21	42	Registered
3	LOTUS SALON DE BEAUTE	Word	1423178	2006.02.21	42	Registered
4	LOTUS SALON	Word	1423179	2006.02.21	42	Registered
5	LOTUS BEAUTY	Word	1423180	2006.02.21	42	Registered



	PARIOUR					
6	LOTUS HERBALS BEAUTY SALON	Word	1423181	2006.02.21	42	Registered
7	LOTUS BEAUTY ACADEMY	Word	1423182	2006.02.21	42	Registered
8	LOTUS SPA	Word	1442166	2006.04.03	43	Registered
9	LOTUS SPA	Word	1442167	2006.04.03	41	Registered

20.4 The Mark, 'LOTUS' has been declared as a well-known Trade Mark by the Registrar of Trade Marks. The inclusion of the Mark 'LOTUS' in the list of well-known Trade Marks has been advertised in Trade Mark Journal No. 2206 dated 28.04.2025. The Plaintiff has also received various registrations for the Plaintiff's Marks in jurisdictions outside India. The Plaintiff has had tremendous sales under the Plaintiff's Marks running over ₹50,00,00,00,000 over the last decades and the revenue of the Plaintiff for products under the Plaintiff's Marks for the Financial Year ("FY") 2024-25 was ₹6,50,85,49,473 and the Plaintiff has spent ₹98,49,80,962 as promotion expenditure to promote the Plaintiff's products through print and electronic media. The Plaintiff has also promoted its products through various celebrities.

20.5 The Defendant, *Lotus Beauty Salon Private Limited*, is offering its services under the Mark 'LOTUS SALON' / ' '



’ and ‘
 (“**Impugned Marks**”). In and around July 2025, the Plaintiff came across a video being circulated on the social media platform Instagram wherein, the services of the Defendant were advertised using the Mark ‘LOTUS SALON’ by a third party. Upon conducting a recent search, the Plaintiff has discovered that the video was been removed from the platform of Instagram. The Plaintiff has also come across the Defendant’s website, <https://www.lotusunisexsalon.com./>, (“**Impugned Website**”) through which the Defendant is offering its beauty services.

20.6 Upon receipt of the information, the Plaintiff addressed a legal notice dated 09.07.2025 (“**Legal Notice**”) to the Defendant, calling upon the latter to cease and desist from violating the Intellectual Property Rights of the Plaintiff in the Plaintiff’s Marks. The Defendant did not reply to the Legal Notice. In and around October 2025, the Plaintiff came across the Trade Mark Applications of the Defendant for the registration of the Impugned Marks. The details of the Trade Mark Applications for the registration of the Impugned Marks are as under:



S. No.	Trademark	Application No.	Date	Status
1.		7134297	23.07.2025	Pending
2.		7134494	23.07.2025	Pending

20.7 The Defendant has filed the Trade Mark Applications for registration of the Impugned Marks on 23.07.2025 on a proposed to be used basis after receiving the Legal Notice, despite being aware of the Plaintiff and the Plaintiff's Marks. The Defendant is using the Impugned Marks with respect to providing services that are almost identical or at the very least allied and cognate to the goods and services of the Plaintiff. The Impugned Marks appear prominently on the Impugned Website.

21. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record it is clear that the Plaintiff is the registered proprietor of the Plaintiff's Marks. The Plaintiff has



been able to establish long and continuous use of the Plaintiff's Marks with respect to skin care, hair care and make-up products including cosmetics, beauty, hygienic and health care, perfumes, toilet and bath lotions, ayurvedic and medicinal preparation face washes and face cleansers products and beauty salon services. The Plaintiff has demonstrated the goodwill and reputation acquired by the Plaintiff's Marks. The Plaintiff's turnover for the FY 2024-25 was ₹6,50,85,49,473/-. The Defendant's use of the Impugned Marks is *prima facie* dishonest and nothing but an attempt to ride the goodwill and reputation of the Plaintiff's Marks so as to cause confusion in the market.

22. This is a case of triple identity where the Mark is identical, the product category is identical and the trade channel as also the consumer base is identical. The Plaintiff being the prior user, adopter and the registered owner of the Plaintiff's Marks is entitled to protection.

23. A *prima facie* case has been made out on behalf of the Plaintiff for grant of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiff and against the Defendant. Irreparable injury would be caused to the Plaintiff if an *ex-parte ad-interim* injunction is not granted.

24. Accordingly, till the next date of hearing, the Defendant, its directors, proprietors, partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are restrained from using, soliciting, providing services and advertising in any manner including on the internet and e-commerce platform, directly or indirectly dealing in skin care, hair care and make-up products including cosmetics, beauty, hygienic and health care, perfumes, toilet and bath lotions, ayurvedic and medicinal



preparation face washes and face cleansers products and beauty salon services



under the Impugned Marks, 'LOTUS SALON'/ ' and ' '



, or any other Mark, label, monogram or logo which is identical or deceptively similar to the Plaintiff's Marks, 'LOTUS', LOTUS STUDIOS', 'LOTUS HERBALS PROFESSIONAL', 'LOTUS SALON DE BEAUTE', 'LOTUS BEAUTY PARIOUR', 'LOTUS HERBALS BEAUTY SALON', 'LOTUS BEAUTY ACADEMY' and 'LOTUS SPA', so as to cause infringement or passing off of the Plaintiff's Marks.

25. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

26. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

27. List before this Court on 26.02.2026.

TEJAS KARIA, J

NOVEMBER 3, 2025/ 'A'