



2026:DHC:7445-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 02.09.2026*# **CNR No. DLHC010405482026**+ **FAO(OS) (COMM) 231/2026 CM APPL. 58256/2026****HINDUSTAN UNILEVER LIMITED**

.....Appellant

Through: Mr. Rajiv Nayyar and Mr. Amit Sibal,
Sr. Advocates with Mr. Saikrishna
Rajagopal, Mr. Sidharth Chopra, Mr.
Nitin Sharma, Ms. Sneha Jain, Mr.
Vivek Ayyagari, Mr. Abhinav Bhalla,
Mr. Abhay Aren, Mr. Saksham
Dhingra, Ms. Smriti Nair, Ms.
Monjira Dasgupta and Ms. Shreyas
Maheshwari, Advocates

versus

KWICK LIVING (I) PRIVATE LIMITED

.....Respondent

Through: Mr. Chander M. Lall, Sr. Advocate
with Ms. Shwetassree Majumder, Mr.
Prithvi Singh, Ms. Janhvi Chadha,
Mr. Rohan Krishna Seth, Mr. Krtin
Bhasin and Ms. Annanya Mehan,
Advocates

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. The present appeal has been filed assailing the order dated 25.08.2026
[‘impugned order’] passed by the learned Single Judge declining to
adjudicate the reliefs prayed for in the interim application I.A. 22515/2026

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filed under Order XXXIX Rules 1 and 2 Code of Civil Procedure, 1908 [‘CPC’] on merits, in view of the doubts expressed on the lack of territorial jurisdiction of the Courts at Delhi to hear the underlying suit. The impugned order reads as under:

“I.A.22515/2026

Parties had been heard at length on the issue of territorial jurisdiction of this court to entertain the present suit; and judgment was reserved on 24.08.2026. Judgment on the issue has been pronounced today. This court has considered it appropriate to refer certain questions relating to territorial jurisdiction for consideration and determination by a Larger Bench.

In light of the above, this court is of the view that, at this stage, **no interim relief can be granted to the plaintiff** when the very maintainability of the suit before this court is in question.

CS(COMM) 904/2026

Accordingly, awaiting the view of the Larger Bench, re-notify on 11th September 2026.”

[Emphasis supplied]

2. It is stated that by a separate order of even date the learned Single Judge has made a reference to the Larger Bench [‘reference order’] for inviting an authoritative view inter-alia on the relevant provision(s) governing territorial jurisdiction of the Court on the original side with reference to Section 134 (2) of the Trade Marks Act, 1999 or Section 62 of the Copyright Act, 1957 or Section 20 CPC or the interplay of these provisions. The questions are set out at paragraph no. 53 of the said judgment.

3. The Appellant contends that the reference order has not been challenged in this appeal as no appeal is maintainable against the said order.

3.1. The Appellant contends that the finding of the learned Single Judge that the territorial jurisdiction of the Court is doubtful is incorrect in the facts



of this case. The Appellant relies upon the fact that as a part of the impugned advertising campaign launched by the Respondent, physical hoardings have been erected at Delhi. The Appellant states that the photographs of the hoarding were duly brought on record vide order dated 19.08.2026. It is contended that several other hoardings have come up in the city of Delhi and therefore clearly the cause of action has arisen at Delhi. Consequently, this Court has the necessary territorial jurisdiction.

4. Since the learned Single Judge in the impugned order passed in I.A. 22515/2026 has declined to adjudicate the application on the ground that the maintainability of the underlying suit on the issue of territorial jurisdiction is in question, we deem it appropriate to refer to the submissions of the Respondent recorded in the reference order for raising the said objection.

5. The reference order records the submission raised by the Respondent objecting to the territorial jurisdiction of the Courts at Delhi on the plea that in the plaint, though there is an averment that goods of the defendant are available for sale in Delhi, the plaintiff has not placed on record any bill or invoice to show that the products of the defendant had actually been sold in Delhi. The Respondent also contended that the memo of parties accompanying the plaint shows that the defendant's registered office is at Mumbai. The Respondent contended that since the Appellant has its registered office at Mumbai and the Respondent has its registered office at Mumbai, the suit ought to have been filed at Mumbai in view of the judgment of the Supreme Court in **Indian Performing Rights Society**



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Limited v. Sanjay Dalia¹. The Respondent also contended that in the plaint there is no averment that through the digital platforms accessible in Delhi, the defendant has purposefully availed the jurisdiction of the Court at Delhi for selling its goods and therefore the plaint ought to be returned for lack of territorial jurisdiction of this Court.

6. To summarize, the Respondent raised two submissions before the learned Single Judge for objecting to the territorial jurisdiction. It contended that the averments made in the plaint fail to disclose that any cause of action has arisen at Delhi or that the defendant sells its goods in Delhi. It relied upon the fact that as per the memo of parties itself the Respondent's registered office is at Mumbai.

7. This matter was heard by us on 31.08.2026 and in response to a query from this Court, the Respondent filed an Affidavit dated 01.09.2026 confirming that it holds a GST registration in Delhi, with a principal place of business declared at Naraina Industrial Area to the statutory authorities. The said Affidavit is directed to be taken on record.

8. Mr. Lall, learned senior counsel for the Respondent, also submitted on instruction that the hoardings carrying the impugned advertisement campaign were put up in Delhi on 14.08.2026. He also confirmed that Respondent sells its products in Delhi.

9. In view of the aforesaid facts admitted by the Respondent, in our considered view the submission of the Respondent that the Courts at Delhi

¹ (2015) 10 SCC 161



do not have territorial jurisdiction is without any merit, as the conditions of Section 20(a) as well as 20(c) of CPC are duly satisfied in this case. The admitted facts are that hoardings carrying the impugned advertisement campaign were erected at Delhi prior to the date of institution of the suit, thus the cause of action has indisputably arisen at Delhi, and in light of the declaration of principal place of business at Naraina made by the Respondent before the GST authorities, the Respondent undoubtedly carries on business at Delhi at the time of the commencement of the suit.

10. At this stage, Mr. Lall, learned senior counsel, on instructions stated that, however, since the issue of territorial jurisdiction has to be decided on the basis of the facts pleaded in the plaint, the Appellant would have to formally amend the plaint to incorporate the said two facts. He submitted that the Appellant may file an amended plaint limited to these two amendments and the matter be remanded to the learned Single Judge for deciding I.A. 22515/2026 on merits. He stated that the Appellate Court ought not to adjudicate on merits of the dispute and permit the learned Single Judge to take the first view on the merits. In this regard, he relied upon the judgment of the Supreme Court in **Shyam Sel and Power Limited v. Shyam Steel Industries Limited**² and relied upon the observations therein regarding the contours of the jurisdiction of the Appellate Court against an order passed by a Single Judge postponing the hearing of an interim injunction application.

11. In response, Mr. Nayar and Mr. Sibal, learned senior counsel for the

² (2023) 1 SCC 634



Appellant, state that since urgent interim reliefs have been prayed and the impugned advertisement campaign is causing substantial damage to the goodwill of the Appellant's product, this Court may consider granting ad-interim injunction and thereafter post the matter for further hearing before the learned Single Judge.

12. We are not inclined to adjudicate on the merits of the rival claims and deem it appropriate to refer the matter back to the learned Single Judge for deciding I.A. No. 22515/2026 on merits. It would be appropriate that the learned Single Judge decides the application on merits since it is the Court of first instance.

13. We have been informed that the Appellant had completed their oral submission on merits of the interim relief prayed for before the order was reserved on 24.08.2026. Mr. Lall, learned senior counsel for the Respondent, states that he will address and conclude his reply submissions on merits within 45 minutes. Mr. Nayar and Mr. Sibal state that they will address rejoinder submissions, if any, and conclude within 15 minutes. The parties jointly request that the matter be listed before the learned Single Judge on 03.09.2026 to enable them to complete their submissions on merits so as to invite an early adjudication of the application.

14. Keeping in view our findings on the existence of the territorial jurisdiction of the Courts at Delhi to entertain and try the underlying suit, we direct that the suit be listed before the learned Single Judge on 03.09.2026 for hearing and deciding I.A. No. 22515/2026 on merits.

15. The Appellant is directed to file its amended plaint limited to



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incorporating the two facts enlisted at paragraph no. 9 of this order. The proposed amendments be carried as paragraph nos. 152(A) and 157(A) respectively in the plaint. The requirement of filing a formal application for amending the plaint is dispensed with. Except the aforesaid amendment, no other amendment will be carried out to the plaint in pursuance to the leave granted by this order. The Respondent has consented to the aforesaid leave granted to the Appellant.

16. We clarify that the issue of territorial jurisdiction of the Court has been decided by us finally and will not be permitted to be re-agitated by the Respondent before the learned Single Judge. We also clarify that we have not expressed any opinion on the reference order dated 25.08.2026 as it is not the subject matter of the present appeal.

17. The registry is directed to list the suit CS (COMM) 904/2026 before the learned Single Judge on 03.09.2026.

18. We request the learned Single Judge to hear and decide the application expeditiously.

19. With the aforesaid directions, the appeal stands disposed of. Pending applications stand disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 2, 2026/hp/aa

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