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

+ W.P.(C) 195/2024

COURTS ON ITS OWN MOTION

..... Petitioner

Through: Ms. Urfee Roomi, Ms. Janaki Arun,  
Ms. Anuja Chaudhury, Mr. Ritesh  
Kumar and Mr. Ayush Dixit,  
Advocates for Hershey Company

versus

ATUL JALAN TRADING AS AKSHAT ONLINE TRADERS AND  
ORS

..... Respondent

Through: Mr. Harish Vaidyanathan Shankar,  
CGSC with Mr.Srish Kumar Mishra,  
Mr. Alexander Mathai Paidaday and  
Mr. Krishnan V., Advocates

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**08.01.2024**

1. While hearing a Civil Suit being CS (COMM) 780/2023 filed by Plaintiff-The Hershey Company-a well-known chocolate company, seeking injunction before the Diwali period against the Defendant-Atul Jalan from selling expired chocolates by re-packaging the same, the learned Single Judge found that the Defendant, who was a rank counterfeiter had knowledge of and access to the Plaintiff's mark and packaging and had blatantly copied them misrepresenting their expired and counterfeit chocolates as Plaintiff's products.
2. The learned Single Judge, *prima facie*, concluded that the suit revealed an extraordinary situation involving public health, particularly relating to food



products, and therefore, directed it to be placed before one of us (The Acting Chief Justice) for being taken up on the judicial side in the manner as deemed appropriate. Consequently, the matter was directed to be registered as a public interest litigation.

3. From the order dated 19<sup>th</sup> December, 2023 passed by the learned Single Judge, it is apparent that there is a coordinated and systematic mechanism in place by which the expired products are being re-packaged/re-branded with new expiry dates and are being introduced into the markets.

4. Accordingly, issue notice without process fee to the Union of India, Government of NCT of Delhi and Food Safety and Standards Authority of India and Delhi Police through their standing counsel, returnable on 8<sup>th</sup> February, 2024.

5. This Court also appoints Ms. Shwetasree Mazumdar, learned counsel as Amicus Curiae in this matter.

6. The Registry is directed to forward a copy of this order to Ms. Shwetasree Mazumdar, Amicus Curiae.

7. List on 8<sup>th</sup> February, 2024.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**JANUARY 8, 2024/rhc**