

Intas Pharmaceuticals Limited vs Sun Pharma Laboratories Limited on 6 April, 2026

Author: V. Kameswar Rao

Bench: V. Kameswar Rao, Manmeet Pritam Singh Arora

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ RFA(OS)(COMM) 10/2026
INTAS PHARMACEUTICALS LIMITED

.....Appel

Through: Mr. Sandeep Sethi and Mr. Amit Sibal, Sr. Advs. along with Ms. Bit Sharma, Mr. Kapil Midha, George Vithayathil, Mr. Ahaana Singh Rana, Mr. Aditya P. Mishra, Ms. Smriti Nair, Ms. Shreya Sethi and Mr. Krisna Gambhir, Advs.
versus

SUN PHARMA LABORATORIES LIMITED

Through:

Mr
Ms
Ja

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 06.04.2026 CM APPL. 21699/2026, CM APPL. 21701/2026, CM APPL. 21703/2026 (Exemptions)

1. Exemptions are allowed, subject to all just exceptions.

2. The applications stand disposed of.

CM APPL. 21702/2026 (Permission to file lengthy synopsis)

3. For the reasons stated in the application, the same is allowed.

4. The application is disposed of.

RFA(OS)(COMM) 10/2026 & CM APPL. 21698/2026

5. Mr. Sandeep Sethi, learned Senior Counsel for the appellant, at the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 10/04/2026 at 21:25:05 outset, submits that the deficient Court fees shall be deposited within one week from today.

6. This regular first appeal lays a challenge to an order dated 28.03.2026 passed by the learned Single Judge whereby the learned Single Judge has decreed the suit filed by the respondent herein, being CS (COMM.) 39/2023 by stating in paragraphs 46 onwards as under:-

"46. In view of the above, it is declared that:

i. The Plaintiff is the registered proprietor and continuous as well as prior user of the Plaintiff's Mark, 'BEVETEX';

ii. The Plaintiff is not guilty of hoarding the Plaintiff's Mark, 'BEVETEX'; and iii. The Defendant's use of the Impugned Mark, 'BEVATAS' amounts to infringement of the Plaintiff's Mark, 'BEVETEX'.

47. In view of the above, the Defendant or anyone acting on its behalf are permanently injuncted and restrained from manufacturing, selling, or offering for sale, marketing, advertising, or in any other manner dealing with medicinal and pharmaceutical preparations for human use using the Impugned Mark, 'BEVATAS' or any other Mark identical and / or deceptively similar to the Plaintiff's Mark, 'BEVETEX'.

48. As the Plaintiff has stated that this Suit is in Public Interest, there shall be no order as to costs.

49. Accordingly, the Suit is decreed in terms of the above directions. Let the Decree Sheet be drawn up accordingly. The Suit stands disposed of."

7. Though various submissions have been made by Mr. Sandeep Sethi and Mr. Amit Sibal, learned Senior Counsels appearing for the appellant, one of the submissions of Mr. Sethi is that the learned Single Judge has failed to appreciate that the drugs of both, the appellant and the respondent This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 10/04/2026 at 21:25:05 are scheduled H drugs and cannot be sold off the shelf but only on prescription from a qualified Oncologist. He also submits that the learned Single Judge has also failed to weigh public interest as applicable between the parties and completely ignored that public interest was against restraining the appellant/defendant's life saving biological product BEVATAS, which has been in the market continuously since 2016, serving more than 12,000 ongoing cancer patients, and cannot be discontinued in view of the vast number of cancer patients being treated with it. It is also his submission that BEVATAS is a biologic product and cannot be substituted with any other brand by

the existing patients, which may expose them to the risk of serious side effects, being a paramount concern while evaluating public interest.

8. At this stage, Mr. Sachin Gupta, learned counsel appearing for the respondent would submit that the respondent shall be satisfied if the appellant changes the name of their drug 'BEVATAS' by stating the same as 'BEVAITAS', adding the alphabet 'T' after 'A' and before 'T'.

9. On this, Mr. Sethi would submit that he shall take further instructions but as per his instructions, any change in the name of the drug shall entail statutory approvals, which may take at least one year of time. He states that pending that, in any case, the appellant cannot be restrained from manufacturing the drug BEVATAS and also utilise the existing stocks, which is available with the appellant.

10. If that be so, appropriate shall be that an affidavit shall be filed by the appellant, after taking instructions, whether the appellant is ready and willing to change the name of drug as suggested by Mr. Gupta and also the specific timelines required to seek the statutory approvals, in the eventuality This is a digitally signed order.

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11. During the course of hearing, Mr. Gupta has also stated that the appellant has also an identical drug with the brand name BEVAMAB 400 and they shall be within their rights to sell the impugned drug under the brand name BEVAMAB 400.

12. On this Mr. Sethi states that he shall take instructions.

13. At this stage, Mr. Gupta has handed over a list containing the names of the companies, which according to him, manufacture the identical drug as sought to be manufactured by the appellant herein. So in that sense, it cannot be said that the patients, who are undertaking the drug would be deprived of the drug, which is sought to be manufactured by the appellant herein.

14. We make it clear that the pendency of the present appeal and the order passed today shall not preclude the appellant to sell the existing stock provided they maintain the record/accounts.

15. Re-notify on 07.04.2026.

CM APPL. 21700/2026 (summoning Trial Court record)

16. Let the soft copy of the Trial Court record be requisitioned within one day.

17. The application is disposed of.

V. KAMESWAR RAO, J MANMEET PRITAM SINGH ARORA, J APRIL 6, 2026/sr This is a digitally signed order.

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