

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE COMMERCIAL JURISDICTION
INTELLECTUAL PROPERTY RIGHTS APPELLATE DIVISION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Aryak Dutt**

**AO-COM 14 of 2026
with
IA No.: CAN 1 of 2026**

**Super Smelters Limited
Vs.
H.R. Ispat Private Limited**

For the Appellant : Mr. Sourojit Dasgupta, Advocate
Mr. Victor Dutta, Advocate

For the Respondent : Mr. Tanmoy Roy, Advocate

Hearing & Judgment on : **September 2, 2026**

DEBANGSU BASAK, J.:-

1. Appeal is directed against the Order No.43 dated February 16, 2026 passed by the learned Commercial Court at Alipore in T.S. (Com) 35 of 2022.
2. By the impugned order, the learned Single Judge rejected the prayer for injunction on contested hearing of the injunction petition.
3. Appellant and the respondent are manufacturers of TMT Bar.

4. Appellant claims prior user of the label mark “Super Shakti” with blue and red colour combination.
5. According to the appellant, the word “Super” is used as an essential element of the label mark.
6. The respondent uses “HR Super” to distinguish its product from that of the appellant.
7. Learned Trial Judge considered the rival contentions of the parties.
8. The learned Trial Judge found that, the word “Super” was not unique.
9. We find that, the appellant did not use any unique feature in the word “Super” that it uses in the label mark so as to create any distinctiveness in such word in order to sustain a claim for injunction in the manner as prayed for.
10. Moreover, none of the parties are using the word “Super” to the exclusion of any other word. Appellant is using the word “Super” prior to the word “Shakti”. In other words, “Super” and “Shakti” are two different words with “Super” coming first and then “Shakti”.
11. Respondent, on the other hand, is using the word “Super” as a suffix to “HR”. In other words, so far as the respondent is concerned “HR” comes first and thereafter “Super”.
12. Phonetically and pronunciation wise the two label marks are different. “Super Shakti” and “HR Super” are different phonetically.
13. Appellant cannot claim exclusivity with regard to the colour combination in its label mark of blue and red.

14. We find that, in the label mark of the respondent, there is a person holding up an Atlas. The “P” in the word “Super” used by the respondent is also distinct and different from that of the appellant.
15. There are several distinguishing features between the two label marks. The label mark of the respondent cannot be held to be one which passes off as that of the product of the appellant or the label mark of the appellant.
16. In such circumstances, we find no ground to interfere with the order impugned.
17. **AO-COM 14 of 2026** and **IA No.: CAN 1 of 2026** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

18. I agree.

(Aryak Dutt, J.)