



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION (L) NO.21082 OF 2025

Victorinox India Private Limited

....Petitioner

Versus

Gute Reise India Private Limited & Anr.

...Respondents

Mr. Samudra Sarangi a/w. *Joran Diwan & Riya Kalra i/b. Diwan Law Associates and Law Offices of Panag & Babu, Advocates for Petitioner.*

Ms. Kavisha Shah a/w. *Ms. Shweta More i/b. India Law Alliance, Advocate for Respondent No.1.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JULY 11, 2025

ORDER :

1. By an Order dated July 9, 2025 passed under Section 17 of the Arbitration and Conciliation Act, 1996 (***“the Act”***), the Learned Arbitral Tribunal restrained Respondent No.1 in the following terms :-

“ e) Restrain Gute Reise from selling, offering for sale, advertising or in any manner dealing with any products bearing the Victorinox brand name, trademarks, trade dress, or any other indicia of Victorinox’s goodwill and also represent itself, either directly or indirectly, as an authorised dealer, distributor, franchisee, or retailer of Victorinox or its products, including through its website, social media, and at all physical retail locations or in any other manner whosoever.”

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“iv) The Claimant shall by 23rd July, 2025, hand over to the Respondent the entire stock of the products delivered by the Respondent to the Claimant under the said Dealership Agreement. The Respondent shall be entitled to deal with the same in such manner as it desires, but only after investing the MRP value of the stock in fixed deposit(s) of a nationalized bank initially for a period of one year, and thereafter for like periods of one year each till further orders. The fixed deposit(s) shall be in the joint names of the advocates of the Claimant and the Respondent, who shall be entitled to deal with the said fixed deposits only jointly and only with the leave of the Tribunal. The Advocates of both the parties shall in writing inform the bank concerned about the same.”

2. It is the grievance of the Petitioner- Victorinox India Private Limited (“**Victorinox**”) that its products are still featured on Respondent No.2-Amazon Seller Services Private Limited (“**Amazon**”) as products sold by Respondent No.1 - Gute Reise India Private Limited (“**Gute Reise**”). Consequently, this Petition has been moved urgently seeking directions to Amazon to take down and delist all listings of Victorinox’s branded products being offered for sale on behalf of Gute Reise to suspend the seller’s account in this regard.

3. Issue notice to Respondent No.2 (“**Amazon**”), returnable on July 30, 2025.

4. Gute Reise has entered appearance and has placed on record e-mails written to Amazon, pursuant to the order passed by the Learned Arbitral Tribunal asking Amazon to refrain from selling any products from Gute Reise’s account, including inventory lying at the fulfillment centers and the inventories already in the possession of Amazon.

5. However, Learned Counsel for the Victorinox submits that the products are still featured online, and the “Amazon Prime Day Sale” is scheduled to open tomorrow, based on which, these products will be available for sale despite the Learned Arbitral Tribunal’s order.

6. Taking into account the efforts taken by Gute Reise to comply with the interim order passed by the Learned Arbitral Tribunal, it would be appropriate to grant prayer clause (a) (as moulded below) in the following terms:-

“a. Amazon Seller Services Private Limited shall immediately take down and delist all listings of Victorinox branded products being offered for sale by Gute Reise India Private Limited (under seller name ‘Gava Retail’) pending conduct of the arbitration proceedings.”

7. It is made clear that should Gute Reise be desirous of using its account with Amazon for selling any products other than Victorinox’s branded products, it shall be free to do so, and Amazon shall not stand in the way of Gute Reise selling other products.

8. Stand over to ***July 30, 2025.***

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court’s website.

[SOMASEKHAR SUNDARESAN, J.]

Page 3 of 3
JULY 11, 2025

Aarti Palkar