



2026:DHC:8345



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

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Judgment Delivered on: 23.09.2026# **CNR No. DLHC010484962025**+ **W.P.(C)-IPD 44/2025****PUNAM CHAND KEDIA**

.....Petitioner

Through: Mr. Anil Kumar Sahu, Mr. Roshan Kumar, Mr. Satish Kumar, Mr. Naveen Tayal and Mr. Sourav Kumar, Advs.

versus

THE REGISTRAR OF TRADE MARKS

.....Respondent

Through: Mr. Satya Ranjan Swain, CGSC with Mr. Kautilya Birat, GP, Mr. Sanskar Gupta and Mr. Tushar Hazrati, Advs.

CORAM:**HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J [OPEN COURT]**

1. The present petition has been filed by the petitioner seeking following relief:

"i. To renew and/or restore the registration of the petitioner's trademark "HMP" bearing Application number 833146 for the further periods of Ten Years under the Trade Marks Act, 1999;

ii. To set aside the communication dated 09.06.2025 passed by the Ld. Trade Marks Registry dismissing the form TM-R of the petitioner in respect of registration No. 833146 in class 09;

iii. To quash any internal decision, action or omission that

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resulted in the removal of the said trademark from the Register of Trade Marks;

iv. To issue direction to respondent to permit the petitioner to file renewal applications for the periods of 2015-2025 and 2025-2035 and upon filing such renewal application, to issue the corresponding renewal certificates to the petitioner;”

2. The case set out by the petitioner in the present petition is that the petitioner had applied for registration of trademark ‘HMP’ vide application no. 833146 in Class 09, on 21.12.1998.
3. On 08.02.2003, the trademark application bearing no. 833146 of the petitioner was published by the respondent in the trade journal no. 1288-1.
4. Thereafter the trademark application was registered in the name of the petitioner by the respondent vide certificate no.269279 dated 14.08.2003 w.e.f. 21.12.1998.
5. The petitioner’s said trademark application was thereafter renewed for a further period of 10 years i.e. till 21.12.2015 and the same was advertised in journal no. 1343.
6. Mr. Anil Kumar Sahu, learned counsel appearing on behalf of petitioner submits that the petitioner became aware on 04.06.2025 of the fact that his trademark application is likely to be removed due to non-filing of renewal request.
7. After acquiring the said knowledge, the petitioner filed a Form TM-R along with the requisite fee before the respondent. However, the said request of the petitioner was rejected vide impugned order dated 09.06.2025 observing as under:

“This is inform you that the registry has served the O-3 notice

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on 17.09.2015 to earlier attorney and time for renewal had got exhausted, so this form cannot be accepted.”

8. The contention of Mr. Sahu is that in terms of section 25(3) of the Trade Marks Act, 1999 [hereinafter the “Act”] read with Rule 64(1) of the Trade Marks Rules, 2002 [hereinafter the “Rules”], the Registrar of Trademark is obliged to send a notice in the prescribed manner to the registered proprietor of the mark mentioning the date of expiration and the condition as to payment of fee upon which a renewal of registration may be obtained. The relevant provision i.e. Section 25(3) of the Act reads thus:

“25. Duration, renewal, removal and restoration of registration.-

xxx

xxx

xxx

(3) At the prescribed time before the expiration of the last registration of a trade mark the Registrar shall send notice in the prescribed manner to the registered proprietor of the date of expiration and the conditions as to payment of fees and otherwise upon which a renewal of registration may be obtained, and, if at the expiration of the time prescribed in that behalf those conditions have not been duly complied with the Registrar may remove the trade mark from the register: Provided that the Registrar shall not remove the trade mark from the register if an application is made in the prescribed form and the prescribed fee and surcharge is paid within six months from the expiration of the last registration of the trade mark and shall renew the registration of the trade mark for a period of ten years under sub-section (2).”

9. Likewise, Rule 64(1) of the Rule is also set out hereinbelow:

“64. Notice before removal of trade mark from register

(1) At a date not less than one month and not more than three months before the expiration of the last registration of a trade mark, if no application in Form TM-12 for renewal of the registration together with the prescribed fee has been



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received, the Registrar shall notify the registered proprietor or in the case of a jointly registered trade mark each of the joint registered proprietors and each registered user, if any, in writing in Form O-3 of the approaching expiration at the address of their respective principal places of business in India as entered in the register or where such registered proprietor or registered user has no principal place of business in India at his address for service in India entered in the register.”

10. He submits that no notice in terms of Section 25(3) read with Rule 64(1) has been ever served upon the petitioner.

11. Mr. Swain, learned CGSC appearing on behalf of respondent, however, invites attention of the Court to Annexure R-1, which is a notice in Form O-3 which according to him was sent in compliance with the provisions of Section 25(3) of the Act. The said notice is set out hereinbelow:

ANNEXURE R-1



**INTELLECTUAL
PROPERTY INDIA**
REGISTRATION OF TRADE MARKS
GEOGRAPHICAL INDICATIONS



भारत सरकार / GOVERNMENT OF INDIA
व्यापार चिह्न रजिस्ट्री / Trade Marks Registry

11

व्यापार चिह्न रजिस्ट्री / Trade Marks Registry,
बौद्धिक संपदा भवन / Boudhik Sampada Bhawan,
Plot No. 32, सेक्टर 14 / Sector 14, द्वारका / Dwarka,
नई दिल्ली / New Delhi-110075

No. O-3/2368514/ Dated: 17/09/2015
Form O-3

व्यापार चिह्न अधिनियम 1999 की धारा 25(3) के तहत आपको एक सूचित किया जाता है कि पंजीकृत व्यापार चिह्न संख्या : 833146 वर्ग : 9 का पंजीकरण निम्नलिखित कारणों को समाप्त हो रहा है तथा एक पंजीकरण का नवीकरण, अपने 10 वर्षों की अवधि तक बढ़ाने हेतु, धारा टी एम-12, जो वेबसाइट पर उपलब्ध है पंजीत रु. 5000/- लखित दिनांक 21/12/2015 के पूर्व प्रस्तुत करने की कृपा करें।

NOTICE IS HEREBY GIVEN AS REQUIRED UNDER SECTION 25(3) OF THE TRADE MARKS ACT 1999, THE REGISTRATION OF THE REGISTERED TRADE MARK NUMBER : 833146 IN CLASS: 9 WILL EXPIRE ON THE DATE GIVEN BELOW AND THE SAID REGISTRATION CAN BE RENEWED FOR A FURTHER PERIOD OF 10 YEARS ON RECEIPT OF AN APPLICATION IN FORM TM-12, WHICH IS MADE AVAILABLE ON THE OFFICIAL WEBSITE ACCOMPANIED BY THE PRESCRIBED FEES OF RS. 5000/- (PER CLASS) BEFORE THE SAID DATE VIZ. 21/12/2015



SHIKHA DEWAN
परीक्षक / For Examiner of Trade Marks

नोट/NOTE:

- कील की अद्यतनी: व्यापार चिह्न रजिस्ट्री बौद्धिक संपदा भवन, स 32, सेक्टर 14, द्वारका, नई दिल्ली-110075 में करें।
FEES SHOULD BE PAID AT: The Trade Marks Registry, Boudhik Sampada Bhawan, Plot No. 32, Sector 14, Dwarka, New Delhi-110075
DD/Banker Cheque to be drawn in Favour of: 'Registrar of Trade marks'
- अगर आपने नवीकरण कील की अद्यतनी की है तो इस नोटिस को छोड़ दें।
PLEASE IGNORE THIS NOTICE, IF THE RENEWAL FEES HAS BEEN ALREADY PAID
- इस व्यापार चिह्न से संबंधित कोई परिवर्तन प्रभावित हो रहे हैं तो उसे पंजीकार को सूचित करें।
ANY CHANGES AFFECTED TO THIS TRADE MARK ARE TO BE NOTIFIED TO REGISTRAR.

1. PROPRIETOR CODE : 1524737
PROPRIETOR : PUNAM CHAND KEDIA,
BC-17, MANGOL PURI INDL AREA, PH-II, DELHI-110034

2. AGENT CODE : 503
AGENT : NEGI REGISTRATION SERVICE
L-189, NAG MANDIR ROAD, SHASTRI NAGAR, DELHI - 110 052

*This is a computer generated certificate, hence no signature required.

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By: NARENDRA SINGH
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12. Considering the rival contentions of the parties, this Court *vide* order dated 04.02.2026 had allowed the respondent's counsel to place on record any document or additional document in respect of the proof to establish that O-3 notice dated 17.09.2015 emanating from the trademark Registry was dispatched and received by the petitioner. The relevant extract from the order dated 04.02.2026 reads thus:

"1. After hearing learned counsel for the parties for some time, learned counsel appearing for the respondent seeks and is granted two weeks' time to place on record any document or additional documents in respect of proof to establish that the letter dated 17.09.2015 emanating from the Trademarks Registry regarding the expiration of the trademark of the petitioner, was dispatched and received by the petitioner."

13. Mr. Swain has handed across print out of the dispatch details with regard to the application 833146, which is set out hereinbelow:

Trade Marks Registry
Mumbai

10 October 2025

RENEWAL ENTRY MODULE

User: SUNILK

Application Number: 833146

Class: 9

Party Name: NEGI REGISTRATION SERVICE.

Party Type: Agent

Party Code: 503

Address of Service: L-189, NAG MANDIR ROAD, SHASTRI NAGAR,

Application Date: 21/12/1998 12:07:36

Registration Valid Upto: 21/12/2015

Renewal Specific Correspondence Details

APPLICATION NUMBER	LETTER DATE	LETTER NO	STATUS
833146	17/09/2015 10:45:58	O3/2018402	O-3 Notice

Correspondence Details

CORRESPONDENCE NUMBER	CORRESPONDENCE DATE	CORRESPONDENCE SUBJECT	View
2308514	17/09/2015 10:45:58	O3 NOTICE	View

History <--Back

14. A perusal of the dispatched details, however, reveal that there is nothing on record to suggest that the notice O-3 was ever dispatched by the Registry

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to the petitioner. In that view of the matter, in the absence of any reliable evidence in support of the stand taken by the respondent that O-3 notices were sent, it is difficult for this court to accept the contention of the respondent that the O-3 notice was duly sent in terms of Section 25(3) of the Act read with Rule 64(1) of the Rules.

15. In view of the above, the writ petition is allowed. The petitioner is permitted to file afresh Form TM-R in respect of his trademark registered in his name on deposit of the prescribed fee within a period of two weeks from today.

16. The respondent shall accept such Form TM-R as and when submitted by the petitioner within the time prescribed above and process the same in accordance with the Rules.

17. The writ petition is allowed and disposed of in the above terms.

VIKAS MAHAJAN, J

SEPTEMBER 23, 2026
nsa/AA

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