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

\# **CNR No. DLHC010524542026**

\+ W.P.(C)-IPD 52/2026

RAJPUT JEWELLERS PRIVATE LIMITED .....Petitioner

Through: Mr. Sarthak Katyal and Mr. Prince Wadhwa, Advocates.

versus

UNION OF INDIA AND ANR .....Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC, Mr. Harshvardhan Gupta, Ms. Sunita Shukla, Ms. Priya Dwivedi and Mr. Anupam Pandey, Advocates for R-1.
Mr. Sanyam Goel and Mr. Mohtashim Kibriya, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% 02.11.2026

CM 291/2026 (Exemption)

1. Exemption is allowed, subject to all just exceptions.

2. The Application stands disposed of.

W.P.(C)-IPD 52/2026

3. This Writ Petition has been filed by the Petitioner under Article 226 and 227 of the Constitution of India, 1950 ("**Constitution**") challenging the Order dated 02.09.2026 ("**Impugned Order**") passed by the Regional Director, Ministry of Corporate Affairs / Respondent No. 1.

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4. Issue Notice. Learned Counsel for Respondent No. 1 as well as Respondent No. 2 accepts Notice.

5. Let Counter-Affidavit(s) be filed by both the Respondents within a period of four weeks. Rejoinder(s) thereto, if any, be filed within a period of two weeks thereafter.

6. List on 23.02.2027.

CM 290/2026 (*Stay*)

7. This Application has been filed by the Petitioner under Section 151 of the Code of Civil Procedure, 1908 seeking stay of the Impugned Order dated 02.09.2026.

8. Issue Notice. Learned Counsel for Respondent No. 1 as well as Respondent No. 2 accepts Notice.

9. Learned Counsel for the Petitioner made the following submissions:

9.1. The Petitioner Company was incorporated on 23.05.2020 as '*Rajput Jewellers Private Limited*' ("**Petitioner's Corporate Name**"). Before its incorporation, Late Shree Ramesh Rajput, father of its present Directors, had operated a proprietorship under the name '*Rajput Jewellers*' since 1985.

9.2. Respondent No. 2 claims use of 'Rajput Jewellers' ("**Respondent's Mark**") since 01.01.1998 and obtained registration pursuant to an application dated 06.04.2004. The registration expired on 05.04.2014 and was not renewed. A fresh application, bearing renewal application No. 4450816, was filed on 22.02.2020 and registration was granted only on 04.12.2023.

9.3. Respondent No. 2 held no subsisting registration of the Respondent's Mark when the Petitioner Company was

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incorporated. The registration is subject to the Trade Marks Registry's express conditions requiring use of the Mark as a whole and conferring no exclusive rights over its individual words. Relying on Section 35 of the Trade Marks Act, 1999, the Petitioner submits that '*Rajput*' is a common surname, which it is entitled to use as its promoter's surname in business. Several other marks containing '*Rajput*' are registered in Class 14.

9.4. Respondent No. 2's application dated 02.08.2024 under Section 16(1)(b) of the Companies Act, 2013 ("**Companies Act**") was time-barred, as the three-year limitation period following the Petitioner Company's incorporation on 23.05.2020 expired in May 2023. Reliance on the COVID-19 extension of limitation is without merit, since Respondent No. 1's office remained functional, as evidenced by the Petitioner Company's incorporation in May 2020.

9.5. The Petitioner's rectification proceedings challenging the registration of the Respondent's Mark are at the evidence stage before the Trade Marks Registry. The Regional Director ought not to have directed a change of the Petitioner's Corporate Name while the validity of that registration remains under consideration.

9.6. In support of the aforesaid submission, reliance was placed on the following judgments:

i. ***Registrar, Trade Marks v. Ashok Chandra Rakhit Ltd.***, (1955) 1 SCC 655

ii. ***S. Syed Mohideen v. P. Sulochana Bai***, (2016) 2 SCC 683

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iii. ***Montari Industries Ltd. v. Montari Overseas Ltd.***, 1995 SCC OnLine Del 195

iv. ***J.R. Kapoor v. Micronix India***, 1994 Supp (3) SCC 215

v. ***Skyline Education Institute (India) (P) Ltd. v. S.L. Vaswani***, (2010) 2 SCC 142

vi. ***Nandhini Deluxe v. Karnataka Coop. Milk Producers Federation Ltd.***, (2018) 9 SCC 183

9.7. As per the Impugned Order, the Petitioner is required to change the Petitioner's Corporate Name within three months, which expires on 02.12.2026. The Petitioner carries on business in Delhi, whereas Respondent No. 2 is based in Punjab. Accordingly, a stay of the operation of the Impugned Order would occasion no prejudice to Respondent No. 2.

9.8. The Petitioner has, therefore, established a *prima facie* case, and the balance of convenience lies in its favour. Requiring the Petitioner to change the Petitioner's Corporate Name during the pendency of the Writ Petition would cause irreparable prejudice to the Petitioner's goodwill, reputation and existing business relationships.

10. Learned Counsel for Respondent No. 2 made the following submissions:

10.1. The Impugned Order is a reasoned order passed after consideration of the Parties' contentions. Respondent No. 2 sought renewal of the registration of the Respondent's Mark on 22.02.2020. Registration was subsequently granted on 04.12.2023, with effect from 22.02.2020, preceding the Petitioner Company's

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incorporation on 23.05.2020. Accordingly, the date of issuance of the registration certificate is not determinative.

10.2. Reliance was also placed on ***Topland Engines Private Limited v Toplad Private Limited & Anr.***, Neutral Citation 2026:DHC:8579, to submit that the scope of Section 16 of the Companies Act is stricter than the standard contemplated in trade mark disputes and that under Section 16 of the Companies Act, the Regional Director is only required to ascertain whether the corporate name is identical with or too nearly resembles the registered trade mark, and is not required to determine whether there exists a likelihood of deception or confusion.

10.3. The only difference between the Petitioner's Corporate Name and the Respondent's Mark is the addition of the words '*Private Limited*', which merely describe the corporate status of the Petitioner and does not distinguish its name from the Respondent's Mark. The Regional Director has specifically considered this aspect and has held that the Petitioner's Corporate Name falls within the ambit of Section 16(1)(b) of the Companies Act.

10.4. As regards the Petitioner's reliance on the approval of the Petitioner's Corporate Name by the Central Registration Centre ("**CRC**"), the mere approval of a corporate name by the CRC cannot preclude the exercise of powers under Section 16 of the Companies Act.

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10.5. Respondent No. 2 does not claim exclusive rights over the word '*Rajput*' or the word '*Jewellers*' individually. The registration granted to Respondent No. 2 is in respect of the Respondent's Mark as a whole, and it is the use of this combined expression in the Petitioner's Corporate Name which is objected to. Therefore, the restrictions imposed by the Trade Marks Registry while granting registration to the Respondent's Mark do not advance the Petitioner's case.

10.6. Therefore, there is no infirmity in the Impugned Order warranting the grant of *ad-interim* stay.

11. Learned Counsel for Respondent No. 1 submitted that unless the Respondent's Mark is removed from the Register of Trade Marks, its registration continues to be relevant. Learned Counsel for Respondent No. 1, however, submitted that he would require instructions before advancing detailed submissions in the matter and opposed the grant of interim relief at this stage.

12. Heard learned Counsel for the Parties and perused the material placed on record.

13. The limited question for consideration at this stage is whether the Petitioner has established a *prima facie* case warranting a stay of the operation and effect of the Impugned Order pending adjudication of the Writ Petition.

14. Before examining the merits, it is necessary to delineate the scope of Section 16(1)(b) of the Companies Act. Section 16(1)(b) of the Companies Act empowers the Central Government, upon an application by the registered proprietor of a trade mark made within three years of the

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incorporation, registration or change of name of a company, to direct the company to change its name if it is identical with or too nearly resembles the existing trade mark. Proceedings under this provision are confined to determining whether the corporate name is identical with or too nearly resembles the existing trade mark.

15. It is undisputed that Respondent No. 2 is the registered proprietor of the Respondent's Mark. Learned Counsel for the Petitioner contended that the earlier registration expired in April 2014 and that the subsequent registration was granted only on 04.12.2023, after the Petitioner Company's incorporation on 23.05.2020. The subsequent registration, however, was granted with effect from 22.02.2020, a date preceding the Petitioner Company's incorporation.

16. Learned Counsel for the Petitioner further relied upon Section 35 of the Trade Marks Act, 1999, contending that '*Rajput*' is a common surname and that the Petitioner is entitled to use its promoter's surname in the course of business. It was also contended that the registration of the Respondent's Mark requires its use as a whole and confers no exclusive rights over the individual words.

17. Respondent No. 2 objects to the use of the expression '*Rajput Jewellers*' as a whole in the Petitioner's Corporate Name, which incorporates the Respondent's Mark in its entirety. As submitted by learned Counsel for Respondent No. 2, the words '*Private Limited*' merely denote the Petitioner's corporate status and do not distinguish its Corporate Name from the Respondent's Mark. The Impugned Order observes that Section 35 of the Trade Marks Act, 1999 is applicable to the pending dispute between the Parties before the Trade Mark Authority, but cannot be invoked by the

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Central Government when determining an application under Section 16(1)(b) of the Companies Act.

18. Learned Counsel for the Petitioner further submitted that rectification proceedings challenging the registration of the Respondent's Mark are pending before the Trade Marks Registry. The Impugned Order records that no final order cancelling the registration has been passed and clarifies that it does not affect the independent adjudication of those proceedings.

19. The Regional Director also considered and rejected the objection regarding limitation, relying upon the Supreme Court's orders in ***In Re: Cognizance for Extension of Limitation***, *Suo Motu* Writ Petition (Civil) No. 3 of 2020, directing exclusion of the period from 15.03.2020 to 28.02.2022 for the purposes of limitation.

20. The Impugned Order addresses the Petitioner's contentions concerning approval of its Corporate Name by the CRC, use of the expression '*Rajput Jewellers*' as a whole and the source of its adoption, and the pending rectification proceedings. It records reasons for rejecting those contentions and concludes that the Petitioner's Corporate Name is identical with or too nearly resembles the Respondent's Mark. It further clarifies that it does not constitute a judicial determination of infringement or passing off and is without prejudice to the Parties' rights and contentions in other proceedings.

21. The Petitioner has not placed on record its Reply to the application under Section 16(1)(b) of the Companies Act before the Regional Director. Consequently, the Court is unable to examine the Petitioner's stand before the Regional Director in its entirety. In these circumstances, it cannot be concluded at this stage that the Impugned Order fails to address the

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Petitioner's contentions or that its findings disclose any *prima facie* illegality, perversity, arbitrariness or jurisdictional error warranting interference under Article 226 of the Constitution.

22. Learned Counsel for the Petitioner also relied upon ***Ashok Chandra Rakhit Ltd.*** (*supra*), ***S. Syed Mohideen*** (*supra*), ***Montari Industries Ltd.*** (*supra*), ***J.R. Kapoor*** (*supra*), ***Skyline Education Institute*** (*supra*) and ***Nandhini Deluxe*** (*supra*). These decisions concern rights arising from trade mark registration, prior-user rights, and the principles governing similarity of marks and likelihood of confusion.

23. The present proceedings, however, concern an order under Section 16(1)(b) of the Companies Act, which provides for rectification of a corporate name that is identical with or too nearly resembles a registered trade mark. As held in ***Topland Engines Private Limited*** (*supra*), this provision does not require a determination of the likelihood of deception or confusion. Accordingly, the decisions relied upon by the Petitioner do not *prima facie* establish any infirmity in the findings recorded in the Impugned Order warranting interference at this stage.

24. Having regard to the scope of proceedings under Section 16(1)(b) of the Companies Act and the findings recorded in the Impugned Order, the Petitioner has not established a *prima facie* case warranting a stay of the operation and effect of the Impugned Order at this stage.

25. Both Respondents shall file their Replies within four weeks. Rejoinders thereto, if any, shall be filed within two weeks thereafter.

26. List on 23.02.2027.

TEJAS KARIA, J

NOVEMBER 2, 2026/ss

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