

HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.10747 OF 2008

ORDER:

Heard Sri Deekshit Kumar Teja, learned counsel representing Mr. Dhulipalla V.A.S. Ravi Prasad, learned counsel for the petitioner, Mr. Nishanth, learned counsel representing Mr. Challa Gunaranjan, learned counsel appearing for respondent No.2 and learned Deputy Solicitor General of India appearing for respondent No.1.

2. The present writ petition is filed seeking to issue a writ of *certiorari* declaring the order dated 13.02.2008 in Ref. No.4/22/3/2007 issued by respondent No.1 directing the petitioner to change its name as illegal and arbitrary.

3. **Facts of the case:**

i) The petitioner Company is involved in the Textile Business and have applied for availability of name under the name and style "G.M.R SPINTEX PRIVATE LIMITED" under Section - 20 of the Companies Act, 1956 (hereinafter referred to as "Act, 1956") to the Registrar of Companies, Ministry of Corporate Affairs, Hyderabad, for incorporating a company under the above name, after following the procedure established under Section - 20 of the Act. The Registrar

of Companies after due verification have allowed the same *vide* Letter No.RAP/NA/66357/KBR dated 16.09.2005.

ii) Thereafter, the petitioner Company was incorporated under the Registrar of Companies, Andhra Pradesh, Hyderabad, *vide* certificate of Incorporation No.48673 of 2005-06 to carry on the business as Cotton spinners, Jute spinners, Cotton, Ginners and Wooden spinners, and to carry on the business as a silk merchants, silk weavers, cloth manufacturers, hosiers and dealers in textile fabrics of all kinds.

iii) The respondent No.2 Company submitted a composite application dated 13.02.2007 to respondent No.1 under Section 22 of the Act seeking directions to the petitioner Company along with 9 other companies to change its name on the ground that the promoters of the petitioner Company by using the word “GMR” as a prefix in its name is using its trade mark to wrongfully project to the consumers and potential investors their association with respondent No.2 group and further held that the petitioner company is passing off their goods and services.

iv) On receipt of notice dated 31.07.2007 from respondent No.1, the petitioner company sent a detailed reply dated 13.09.2007.

Respondent No.1 without affording an opportunity of being heard, allowed the application of respondent No.2 Company and passed orders dated 13.02.2008, directing the petitioner Company to change its name by removing the prefix “GMR” from existing name within three months.

4. **Contentions of the petitioner:**

i) The application filed by respondent No.2 under Section 22 is not maintainable. Respondent No.1 is not a Civil Court and as such, it has no jurisdiction over the matter in relation to the alleged infringement of trade mark rights.

ii) The petitioner had not copied or imitated the grouping, design, curve, length and width of the trade mark of respondent No. 2 Company and as such it cannot be said that the petitioner Company have projected the trade mark of respondent No. 2 to the customers and derived benefits out of it.

iii) The prefix “GMR” in the petitioner Company name signifies the name of the father of the main promoter ‘Gade Manohar Rao’, whose family is in the business of cotton and textiles since long time, further the customers are much familiar with its products.

iv) Respondent No.2 has not at all made out any case that the petitioner Company has been passing its goods in the market as that of respondent No.2 Company or the petitioner company is copying or duplicating or imitating the trade mark of respondent No.2 Company.

v) Respondent No.2 Company has no exclusive right over the words "GMR" especially as long as it is not reflecting in the fashion and design of the trade mark obtained by respondent No.2 Company.

vi) The Registered trade mark of respondent No.2 Company relates only to the products namely papers, paper articles, building materials, books, natural and artificial stones, cement, lime, mortar, plaster, road making materials, common metals, alloys, cast building materials, rails, cables, wires, beers, porters, minerals, and other non-alcoholic drinks etc. and these facts were evidenced by the admission of the same by respondent No.2 Company itself in its application to respondent No.1 and also by certificates of registration of trademarks produced by respondent No.2 Company. Whereas the petitioner company is to deal in textiles and apparently respondent No.2 Company has not registered trade mark under the style "GMR" in relation to textiles and this being the case, the question of the petitioner company selling its textile products as that of the products

of GMR does not arise. Further, respondent No.2 cannot claim any trade mark benefits in relation to the textiles in as much as, the GMR trade mark does not cover the textiles.

vii) Respondent No.1 has exceeded his jurisdiction and acted against the basic provisions of Section 22 of the Act, 1956 and the Trade Marks Act, 1999 (for short 'Act, 1999'). Respondent No.1 failed to observe that the application under Section 22 of the Act, 1956 was a composite application filed by respondent No.2 company is against 10 companies without hearing to the facts of each company the orders have been passed.

5. **Contentions of respondents:**

i) The petitioner herein mentioned that respondent No.2 as *proforma* party, as such, no notices were issued to respondent No.2 herein. The Writ Petition is not maintainable without respondent No.2 herein.

ii) Section 22 of the Act, 1956 provides the right to file an application before respondent No.1 for rectification of name of a company.

iii) Respondent No.2 herein moved an application dated 13.02.2007 before respondent No.1 under Section 22(1)(b) of the Act,

1956 for rectification of the petitioner Company as it resembles the respondents company herein. Respondent No.1 after giving reasonable opportunity to the petitioner and considering the reply dated 13.09.2007 of the petitioner, allowed the application, *vide* orders dated 13.02.2008. Further the petitioner failed to appear for hearing conducted on 04.10.2007 and 22.10.2007.

iv) The petitioner without a trade mark misleading the public at large as their company resembles or likely to deceive or cause confusion in the minds of public, customer and investors. In view of same, the order passed by respondent No.1 is well within the powers confined under Section 22 of the Act, 1956.

v) Respondent No.2 running several reputed companies across the world in different sectors such as Airports, Infrastructure, Highways, Electricity, Trading and Sports etc. It has a registered trade mark viz., “GMR” way back in 2005 not only in India, but also in several other countries under various classes, which is well known to the public and financial institutions in and outside India. Whereas the petitioner is a newly registered company by the name ‘GMR Spintex Private Limited’ which is misleading the General Public.

vi) Respondent No.2 herein is having two independent rights over the petitioner i.e., to take action against using the corporate name of a previously incorporated company and seeking injunction restraining the petitioner from using its name. The remedy availed by it by way of filing an application under Section 22 of the Companies Act is proper.

vii) The dispute between respondent No.1 is not regarding trademark but about the similarity in the names of the petitioner company prefix as 'GMR' which may mislead or create confusion in the minds of customers and the general public at large. Further, there is no error in the order dated 13.02.2008, as per paragraph No.17 Guidelines issued by Directorate of Company Affairs, provides that where it includes a name of a registered trade mark unless the consent of the owner of the trade mark produces, the name resembling similar to the Trade Mark should not be registered.

viii) It may not possible to check all the proposed name with trade mark, however if the registrar with a knowledge or if any interested parties bring to their notice, then it should not be allowed unless a no objection certificate is obtained from the party having trade mark. Respondent No.2 herein relies upon the decision of the

High Court of Delhi in Everstone Capital Advisors Pvt. Ltd. v. Everstone Ventures LLP.

6. **Findings of the Court:**

i) The Companies Act, 1956 was amended in the year 2013 as “The Companies Act, 2013. Section 22 of the Act 1956 is Section 16 of the New Act, 2013. The said amendment will have prospective effect. Since the impugned order is dated 13.02.2008 and the writ petition is filed in the year 2008, therefore, Section 22 of the Act, 1956 is applicable.

ii) For proper appreciation of the case, it is necessary to extract Sections - 20 and 22 of the Act, 1956, which read as follows :

"20. Companies not to be registered with undesirable names.

(1) No company shall be registered by a name which, in the opinion of the Central Government, is undesirable.

(2) Without prejudice to the generality of the foregoing power, a name which is identical with, or too nearly resembles, the name by which a company in existence has been previously registered, may be deemed to be undesirable by the Central Government within the meaning of sub-section (1).

22. Rectification of name of company.

(1) If, through inadvertence or otherwise, a company on its first registration or on its registration by a new name, is registered by a name which, in the opinion of the Central Government, is identical with, or too nearly resembles, the name by which a company in existence has been previously registered, whether under this Act or any previous companies law, the first mentioned company –

(a) may, by ordinary resolution and with the previous approval of the Central Government signified in writing, change its name or new name; and

(b) shall, if the Central Government so directs within twelve months of its first registration or registration by its new name, as the case may be, or within twelve months of the commencement of this Act, whichever is later, by ordinary resolution and with the previous approval of the Central Government signified in writing, change its name or new name within a period of three months from the date of the direction or such longer period as the Central Government may think fit to allow.

(2) If a company makes default in complying with any direction given under clause (b) of sub-section (1), the company, and every officer who is in

default, shall be punishable with fine which may extend to one hundred rupees for every day during which the default continues."

iii) A careful reading of the above said provisions clearly indicates that it is not open to the registering authority to register the name of a company with a name similar to the existing company or if it resembles closely, such names should be avoided. But, however, the Registrar, while registering the company at the initial stage need not make a thorough investigation at the time of registering the company. But, however, if such an issue is brought before the Registrar of Companies within the time stipulated under Section - 22 of the Act, 1956, it is open to the Central Government to direct the later company to change its name.

iv) Now the question arises whether respondent No.1 has authority to entertain the application under Section 12 after expiry of 12 months prescribed under statute.

v) In **Mondelez Foods Private Limited v. The Regional Director (North), Ministry of Corporate Affairs**¹, the Delhi High Court held as follows:

¹. 2017 SCC OnLine Del.9219

“11. The only question that remains to be addressed is whether the RD (as a delegatee of the powers of the Central Government) could direct change in name of respondent no. 2 after the period of twelve months. Section 22(1)(ii)(b) of the Act obliges a company to change its name, if so directed by the Central Government within a period of twelve months from the date of first registration or the date of registration of the change in name. Since, the RD failed to issue any such directions within a period of twelve months, respondent no. 2 would not be obliged to change its name merely on the directions of the RD. However Section 22 of the Act was amended by virtue of the Trade Marks Act, 1999 (with effect from 15.09.2003) and the proviso to Section 22(1) was inserted. In terms of the said proviso, a proprietor of a registered trade mark was disabled from making an application for directing change in name of a company with an undesirable name after expiry of five years of receiving notice of such company. It is thus implicit in the proviso that a registered proprietor of a trade mark could make an application within a period of five years of becoming aware of registration of a company with a similar name and *prima facie* indicates that the RD could act on a representation even after twelve months have

**elapsed from the registration of the company
with the undesirable name.**

12. Section 22 of the Act is not happily worded. Whereas Section 22(1)(i) of the Act, does not indicate that the Central Government is precluded from directing change of name in case the same is found to be undesirable; Section 22(1)(ii)(b) of the Act indicates that the company with an undesirable name is obliged to change its name only on receipt of such directions within a period of twelve months from the date of registration. Further, the introduction of proviso to Section 22(1) must also be given some meaning; plainly, if the owner of a registered trade mark is not precluded from making a complaint within a period of five years of becoming aware of a company with a deceptively similar name, the power of the RD to examine and address such complaint should be read in the statutory provision. However, it is not necessary to examine the same in view of the provisions of the Companies Act, 2013 which are now in force. In terms of Section 16 of the Companies Act, 2013, the Central Government is empowered to issue directions to a company to change its name, if it is similar to the name of a company registered prior in point of time. Section 16(1) of the Companies Act, 2013 reads as under:....”

vi) I respectfully agree with the view taken by the Delhi High Court.

vii) In view of the above, respondent No.1 can entertain the application even after expiry of statutory period of 12 months.

viii) Section - 2 (zb) of the Act, 1999 deals with definition of 'Trade Mark' and the same is extracted as under:

“(zb) **“trade mark”** means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours; and

(i) in relation to Chapter XII (other than section 107), a registered trade mark or a mark used in relation to goods or services for the purpose of indicating or so as to indicate a connection in the course of trade between the goods or services, as the case may be, and some person having the right as proprietor to use the mark; and

(ii) in relation to other provisions of this Act, a mark used or proposed to be used in relation to goods or services for the purpose of indicating or so as to indicate a connection in the course of trade between the goods or services, as the case may be,

and some person having the right, either as proprietor or by way of permitted user, to use the mark whether with or without any indication of the identity of that person, and includes a certification trade mark or collective mark;”

ix) Next question that falls for consideration is as to whether the petitioner had passed off and infringed the trademark of respondent No.2?

x) According to the Cambridge Dictionary, ‘passing off’ could be defined as the illegal act of selling a product that is similar to one that another company has legally protected by a ‘trade mark’.

xi) The Delhi High Court in **Rohtas Goel v. Somay Nayak**² held as under:

“17. In *Montari Overseas Ltd. v. Montari Industries Ltd.*, 1996 PTC (16), the plaintiff Montari Industries Ltd. was incorporated on January 17, 1980. The defendant/appellant Montari Overseas Ltd. was incorporated later on April 21, 1993. On coming to know of the existence of the appellant/defendant, the plaintiff/respondent filed a suit seeking injunction against the use of the name “Montari” in the corporate name of the defendant.

². 2010 SCC OnLine Del.3788

It was contended on behalf of the appellant/defendant that there was no evidence to show that any confusion had been created in the mind of the customers or members of the public by the use of the word Montari in the corporate name of the appellant/defendant nor was there any evidence to show that the business of the plaintiff/respondent had been diverted by the appellant. Rejecting the contention of the appellant/defendant a Division Bench of this Court, *inter alia*, observed as under:

“It is well settled that an individual can trade under his own name as he is doing no more than making a truthful statement of the fact which he has a legitimate interest in making. But while adopting his name as the trade name for his business he is required to act honestly and *bona fide* and not with a view to cash upon the goodwill and reputation of another. An individual has the latitude of trading under his own name is in recognition of the fact that he does not have choice of name which is given to him. However, in the case of a Corporation the position is different. Unlike an individual who has no say in the matter of his name, a company can give itself a name. Normally a company can not adopt a name which is being used by another previously established company, as such a name would be undesirable in view of the confusion which it may cause or is likely to cause in the minds of the public. Use of name by a company can be prohibited if it has adopted the name of another company. It is well settled that no company is entitled to carry on business in a manner so as to generate a belief that it is connected with the business of another company, firm or an individual. The same principle of law which applies to an action for passing off of a trade

mark will apply more strongly to the passing off of a trade or corporate name of one for the other. Likelihood of deception of an unwary and ordinary person in the street is the real test and the matter must be considered from the point of view of that person. Copying of a trade name amounts to making a false representation to the public from which they have to be protected. Besides the name of the company acquires reputation and goodwill, and the company has a right too to protect the same. A competitor cannot usurp the goodwill and reputation of another. One of the pernicious effects of adopting the corporate name of another is that it can injure the reputation and business of that person.”

19. Even if the person using or imitating the trade mark or goodwill of another person is yet to commence his business activities his dishonest intention to make use of the mark and name of the other party will be obvious from the very use or imitation of the mark and goodwill of the other person and, therefore, it should not be a defence to say that there has so far been no use of the offending corporate name or mark.

20. In *Mahendra&Mahendra Paper Mills Ltd. v. Mahindra &Mahindra Ltd.*, 2002 (24) PTC 121 (SC), the respondents before the Supreme Court was a company incorporated under the name “Mahindra & Mahindra Ltd.”

The appellant/defendant was incorporated under the name “Mahendra&Mahendra Paper Mills Ltd.” A suit was filed by the plaintiff/respondent

“Mahindra &Mahindra Ltd.” against the appellant/defendant “Mahendra&Mahendra Papers Ltd.” seeking injunction against the use of the words “Mahindra &Mahindra” and words deceptively similar to “Mahindra &Mahindra”. “Mahindra” was the registered trade mark of the plaintiff in respect of the goods in Class 12 of the Trade & Merchandise Marks Act, 1958. The case of the plaintiff was that the words Mahendra&Mahendra were phonetically, visually and structurally almost identical or deceptively similar to its corporate name and use of this name was intended to deceive the member of the public into believing that the defendant was an officiate of the plaintiff or was in some way connected with it. The contention of the appellant/defendant was that it was not an action for infringement of trade mark but was an action for passing off and in the absence of any similarity of the goods manufactured or; sold by the parties, test of deception or confusion amongst the consumers did not arise. Noticing that the name ‘Mahindra &Mahindra’ had acquired a distinctiveness and a secondary meaning in the business and trade circles and people had come to associate the name “Mahindra” with a certain standard of goods and services, the Supreme Court was of the view that any attempt by another person to use the name in business and trade circles is likely to and in

probability will create an impression of a connection with the plaintiffs group of companies. During the course of the judgment, the Supreme Court, *inter alia*, observed as under:

“Without intending to be exhaustive some of the principles which are accepted as well settled may be stated thus; that whether there is a likelihood of deception or confusion arising is a matter for decision by the Court, and no witness is entitled to say whether the mark is likely to deceive or to cause confusion; that all factors which are likely to create or allay deception or confusion must be considered in combination; that broadly speaking, factors creating confusion would be, for example, the nature of the market itself, the class of customers, the extent of the reputation, the trade channels, the existence of any connection in course of trade, and others.”

21. In *Corn Products Refining Co. v. Shangrila Food Products Ltd.*, 1960 (1) SCR 968, the Supreme Court observed that the question whether two competing marks are so similar as to be likely to deceive or cause confusion is one of first impression and it is for the Court to decide it. The question has to be approached from the point of view of a man of average intelligence and imperfect recollection.

22. In *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 SCC 73, the Supreme Court, *inter alia*, observed that its decisions in the last four decades had clearly laid down that what had to be seen in the case of a

passing off action was the similarity between the competing marks and to determine whether there was likelihood of deception or causing confusion.

xii) In **FDC Limited v. Docsuggest Healthcare Services Pvt. Ltd.**³, the Delhi High Court held as under:

“75. The Supreme Court in *T.V. Venugopal* (supra) upheld the grant of injunction against the Defendants (appellants) from using the trademark “Eenadu” for agarbathies. The trademark “Eenadu” - which means “the land” in Tamil, Kannada and Malayalam and “today” in Telegu was being used by the Plaintiffs (respondents) for newspaper and T.V. channels. The Supreme Court observed as follows:

a) “The respondent company's mark ‘Eenadu’ has acquired extraordinary reputation and goodwill in the State of Andhra Pradesh. The respondent company's products and services are correlated, identified and associated with the word ‘Eenadu’ in the entire State of Andhra Pradesh. ‘Eenadu’ means literally the products or services provided by the respondent company in the State of Andhra Pradesh. In this background the appellant cannot be referred or termed as an honest concurrent user of the mark ‘Eenadu’;

b)

c)

d) **Permitting the appellant to sell his product with the mark ‘Eenadu’ in the State of Andhra Pradesh would definitely create confusion in the minds of the**

³. 2017 SCC OnLine Del.6381

consumers because the appellant is selling Agarbathies marked 'Eenadu' as to be designed or calculated to lead purchasers to believe that its product Agarbathies are in fact the products of the respondent company. In other words, the appellant wants to ride on the reputation and goodwill of the respondent company. In such a situation, it is the bounden duty and obligation of the court not only to protect the goodwill and reputation of the respondent company but also to protect the interest of the consumers;

e)

f)

(g) Appellant's deliberate misrepresentation has the potentiality of creating serious confusion and deception for the public at large and the consumers have to be saved from such fraudulent and deceitful conduct of the appellant.

(h) Permitting the appellant to sell his product with the mark 'Eenadu' would be encroaching on the reputation and goodwill of the respondent company and this would constitute invasion of proprietary rights vested with the respondent company.

(i) Honesty and fair play ought to be the basis of the policies in the world of trade and business.

The law is consistent that no one can be permitted to encroach upon the reputation and goodwill of other parties. This approach is in consonance with protecting proprietary rights of the respondent company.” (emphasis supplied)

xiii) In **Dr. Reddy's Laboratories Ltd. v. Reddy**

Pharmaceuticals Limited⁴, the Delhi High Court held as under:

⁴. 2004 SCC OnLine Del.668

“12. It is also shown on record that even in August, 2003 the defendant had no manufacturing facilities for pharmaceutical preparations and it only started marketing pharmaceutical preparations manufactured by others by putting the trade mark “Reddy” thereon. The *mala fides* of the defendant are writ large as it is found that not only it started using a similar trade mark/name but it also started using a Hyderabad address in spite of the fact that its registered office was at Delhi and on its bills it was clearly mentioned that the customers were required to make payments at Delhi and the disputes between the defendant and its customers were subject to jurisdiction of Delhi Courts. The defendant has raised a plea that it has a marketing office at Hyderabad but it was only a ploy to mislead the customers as the plaintiff company is based at Hyderabad.

The adoption of trade name/trade mark “Reddy”, address of Hyderabad and use of similar names of pharmaceutical preparations indicates fraudulent intentions of the defendant to encash upon the trade reputation and good will of the plaintiff company.

13. Thus, it *prima facie* stands established on record that the defendant is endeavouring to pass off its products under the trade mark “Reddy” with a view to confuse and mislead the customers by

making them believe that the products are manufactured by the plaintiff company. Even now, the defendant appears to be having no manufacturing unit for manufacturing pharmaceutical preparations and it is only putting the name “Reddy” on the pharmaceutical preparations manufactured by others. The absence of the registration of the trade mark in favour of the plaintiff and the pendency of the application in this regard is of no consequence for the reason that the defendant's impugned action is squarely covered within the definition of “passing off”. The Apex Court in the case of *Mahendra & Mahendra Paper Mills Ltd. v. Mahindra & Mahindra Ltd.*, 2002 (24) PTC 121 (SO), had examined a similar controversy. The name “Mahindra & Mahindra Ltd.” was held to have acquired a distinctiveness and secondary meaning in the trade circle and people had come to associate this name with a certain standard of goods and services. The effort of the defendant/Mahendra & Mahendra Paper Mills Ltd., to use the said name was held to be capable of creating an impression of a connection with the plaintiffs group of Companies and it was held that such user may affect the plaintiff prejudicially in the business and trading activities. The plaintiffs plea for ad interim injunction was found justified.

14. The plea raised by the defendant that it has a *bona fide* statutory right to use the trade name “Reddy” as its Managing Director is Mr. Reddy is also liable to be rejected for the reason that the trade mark “Dr. Reddy” in spite of not being registered has acquired considerable trade reputation and goodwill in the community dealing with drugs and pharmaceutical not only in India but abroad also. This trade mark is now distinctively associated with the plaintiff's company. Its long and continuous use by the plaintiff is *prima facie* established. **The use of trade name/mark “Reddy” by the defendant is capable of causing confusion and deception resulting in injury to the goodwill and reputation of the plaintiff company. No other “Reddy” has a right to start a rival business by using the same trade name on the plea that it is his surname. This would encourage deception. If such a plea is allowed, rivals in trade would be encouraged to associate in their business ventures persons having similar surnames with a view to encash upon the trade reputation and goodwill acquired by others over a period of time. In *Bajaj Electrical Limited, Bombay v. Metals & Allied Products, Bombay and another*, AIR 1988 Bombay 167, the use of a family name by the defendants was held to be an act of passing off the goods and it was**

observed that the use of such family name as a trade mark was not permissible. The plea of the defendants that the surname of the partners of its firm could be used to carry on trade in their own name was rejected. It was held that *prima facie* the defendants were intentionally and dishonestly trying to pass off their goods by use of name “Bajaj” and as such the plaintiff had made out a case for grant of injunction.

15. In the case of *Kirloskar Diesel Recon Pvt. Ltd. and another v. Kirloskar Proprietary Ltd. and others*, AIR 1996 Bombay 149 also, it was held that the use of surname was not saved by Section 34 of the Trade and Merchandise Marks Act, 1958 for an artificial person like incorporated Company. It was also held that the mark ‘Kirslokar’ used by the plaintiffs had acquired a secondary meaning and had become a household word and as such Section 34 of the Act could not come to the rescue of the defendants.

xvi) As discussed above, the petitioner filed a reply dated 13.09.2007. Despite granting opportunities twice i.e., 04.10.2007 and 22.10.2007, the petitioner failed to appear for hearing. The said facts were specifically contended by the respondents in their respective counters. Even then, the petitioner did not file rejoinder adverting to

the same. In the light of the same, the petitioner cannot contend that the impugned order dated 13.02.2008 was passed by respondent No.1 without affording opportunity. Therefore, the said contention of learned counsel for the petitioner is unsustainable.

7. **Conclusion:**

i) In view of the above and considering the entire order passed by respondent No.1, this Court do not find any illegality or irregularity in the same. Respondent No.1 has rightly invoked the powers under Section 22 of the Act, 1956 and respondent No.2 Company being commenced its operation in the year 1978 and it has registered the trademark under various clauses. Whereas, the petitioner's company has been registered in the year 2006 much after the registration of respondent No.2 Company. Further, if the petitioner is allowed to continue the name of its entity as 'GMR', it will cause confusion, deception to respondent No.2 business. Therefore the impugned order dated 13.02.2008, passed by respondent No.1 directing the petitioner Company to change its name does not require any interference.

ii) In the light of the above discussion, this writ petition is liable to be dismissed and accordingly the same is dismissed. In the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

24th August, 2023
Mgr

K. LAKSHMAN, J