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

+ CS(OS) 2543/2014, IA No. 15953/2014 and 25773/2014

C.S ADHIKARI & ORS

.... Plaintiffs

Through :Mr. Jay Savla and Ms. Shilpi
Choudhary, Advs.

versus

B.K. SUSAWAT & ORS

..... Defendants

Through :Mr. Dinesh Kumar, Adv. for
defendant nos. 1 and 2
Ms. Sumedha Dang, Adv. for
defendant no. 4

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **19.11.2015**

Learned counsel for the defendant nos. 1 and 2 submits that he has got instructions from the defendant nos. 1 and 2 that elections for the Executive Committee would be held, in accordance with Rules, in the month of December, 2015. Defendant nos. 1 and 2 shall remain bound by this statement. In view of this statement, suit is not pressed and is disposed of accordingly. Interim orders are vacated. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 19, 2015/rb

Item No. 34-CS(OS) 2797/2015

Statement of Mr. Pawan Kumar Sharma, aged 49 years S/o Late Shri Lakshmi Narain Bala R/o House No. D-122, Sarojini Nagar, New Delhi – 110023.

On S.A.

I am the Financial Controller of the defendant company. Vide Board Resolution dated 18th November, 2015, defendant company has authorised me to represent the defendant in this case. Extract of certified true copy of Board Resolution passed in the meeting has been signed by Mr. Vikas Khurana, Director of defendant company and whose signatures I identify at point 'X', as I have seen him signing and writing. Certified true copy of the Board Resolution also bears the seal of the defendant below the signatures of Mr. Vikas Khurana. Board Resolution is exhibited as Ex. C-1. Vide Ex. C-1, I have been duly authorised to settle the disputes with the plaintiff and to make the statement in Court. Defendant undertakes that neither it or any of its sister concern, shall use the mark "ESSENCE DIGITAL" or standalone "ESSENCE" or any other mark in combination with the word "ESSENCE" in any manner including, inter alia, as a trademark, corporate name, trading name, domain name, social media handle or username etc.

except the corporate names “M/s. Essence Communications Private Limited” and “M/s. Essence Ambrosia Communications Private Limited”. Defendant will file an application before the Registrar of Companies for change of its name. Defendant will also de-activate the website www.essencedigital.in. Defendant shall also provide ‘No Objection’, if required, for transferring the domain name “essencedigital.in” in favour of the plaintiff. Defendant company will take above referred steps within four weeks from today.

The defendant further agrees and undertakes that in view of the statement recorded on behalf of the plaintiff today in the Court, if in the future the defendant or any of its sister concerns wish to use the word “ESSENCE” in combination with any other word, then they will seek prior written approval from the plaintiff. The defendant further agrees that any such mark would be written in the same style, size and font and that the said mark would be completely distinct and will not in any manner violate the trade mark rights of the plaintiff in the marks “ESSENCE” and/or “ESSENCE DIGITAL”.

R.O.& A.C.

NOVEMBER 19, 2015\rb

A.K. PATHAK, J.

Item No. 34-CS(OS) 2797/2015

Statement of Mr. Prashant Gupta, Advocate for the plaintiff without oath.

I have heard the statement of Mr. Pawan Kumar Sharma, Financial Controller of the defendant company. I have been instructed by the plaintiff to say that plaintiff has no objection to use the corporate names “Essence Communications Private Limited” and “M/s. Essence Ambrosia Communications Private Limited” by the sister concerns of the defendant.

If in the future, the defendant or any of its sister concerns, if seek prior written approval from the plaintiff to use the word “ESSENCE” in combination with any other word, then such an approval will not be withheld by the plaintiff unreasonably; provided that the entire mark is written in the same style, size and font and that the said mark is completely distinct and does not in any manner violate the trade mark rights of the plaintiff in the marks “ESSENCE” and/or “ESSENCE DIGITAL”.

R.O.& A.C.

NOVEMBER 19, 2015/rb

A.K. PATHAK, J.