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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 909/2016 and IA Nos. 16624/2014, 15257/2015,
863/2016, and 13888/2016

GILEAD SCIENCES, INC Plaintiff
Through : Mr.Pravin Anand and Mr.Nischal
Anand, Advocates.

versus

GILEAD SCIENCES PVT LTD & ANR Defendants
Through : Mr.V.S.Dubey, Advocate for
defendant No.1

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **21.08.2017**

IA No. 9067/2017

The plaintiff and defendant No.1 during the pendency of the suit have arrived at Confidential Settlement Agreement resolving all disputes and claims amongst themselves. The Confidential Settlement Agreement is annexed as Annexure A to this application.

It is prayed that this Court should accept the undertakings given by defendant No.1 and the plaintiff in Confidential Settlement Agreement and record the present Confidential Settlement Agreement as being lawful.

Considering the terms and conditions of Confidential Settlement Agreement, since it is lawful, the undertakings given by the defendant No.1 and plaintiff are accepted and they shall be bound by the terms and conditions of Confidential Settlement Agreement.

In the circumstances, the suit of the plaintiff is decreed in terms of prayer Nos.47(a) and (b) of the plaint incorporating Confidential Settlement Agreement as part of the decree.

Learned counsel for plaintiff makes a reference to Rule 8 (8) of the Companies (Incorporation) Rules, 2014, which read as under:-

“The names released on change of name by any company shall remain in data base and shall not be allowed to be taken by any other company including the group company of the company who has changed the name for a period of three years from the date of change subject to specific direction from the competent authority in course of compromise, arrangement and amalgamation.”

Since the settlement agreement has been entered into between the parties, the Registrar of Companies is directed to allow the plaintiffs Indian subsidiary to change its name to ‘Gilead Sciences India Private Limited’ under Rule 8(8) of the Companies Incorporation Rules, 2014, read with the Companies Act, 2013.

Thus, the suit and pending applications are disposed of in terms of above order. The Decree Sheet be prepared. No order as to costs.

YOGESH KHANNA, J

AUGUST 21, 2017

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