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

Date of Decision: 23rd January, 2023

+ **W.P.(C) 14071/2021**

TAPAN CHOUDHURY Petitioner

Through: Petitioner in person.

versus

THE CENTRAL PUBLIC INFORMATION
OFFICER AND ORS

..... Respondents

Through: Mr. Jivesh Kumar Tiwari, Senior
Panel Counsel (M: 9811612855).

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner challenges the impugned order dated 25th April, 2018 passed by Respondent No. 1- The Central Public Information Officer, RoC, Delhi, Ministry of Corporate Affairs (*hereinafter* 'CPIO MCA'). In addition, the Petitioner seeks a direction to be issued to the Respondent No. 1 to provide information in terms of his Right to Information Act, 2005 (RTI) application dated 26th July, 2016. The said RTI application made by the Petitioner reads as:

*"Subject- Information regarding search Report for
Incorporation of WORLD BOOK INDIA PVT LTD
under RTI, Act 2005*

Sir,

*With reference to the subject cited above, I would like
to seek information on the relevant SEARCH
REPORT for name which was processed by the
dealing hand "Miss Surinder Kaur" and approved by*

AROC Mr Atma Sah to make provisions for incorporation of a company by the name WORLD BOOK INDIA PVT LTD incorporated on 24th August. The SEARCH REPORT is required on an urgent basis.

Information sought is required urgently as connected matter is pending adjudication in the Hon'ble High Court of Delhi in CS(OS) 1043/2013.”

3. The primary issue in this case is in respect of the name ‘World Book India Private Limited’ which was registered by the MCA despite the existence of another Company i.e., ‘World Book Company Private Limited’.

4. In the present case, the Petitioner sought information in respect of incorporation of ‘World Book India Private Limited’ as to whether the search conducted by the Ministry of Corporate Affairs (MCA) prior to registering the said company, reflected the ‘World Book Company Private Limited’ name or not.

5. The said information was sought to be responded to by the CPIO-MCA on 19th August, 2016 in the following terms: -

“Relevant search report for the name which was processed by the dealing hands to make provisions for incorporation of a company by the name WORLD BOOK INDIA PVT LTD. Incorporated on 24th August, 2012 as available is enclosed marked ss Annexure 1.”

6. Unfortunately, however, the CPIO-MCA’s annexure related to the company ‘Childcraft India Pvt. Ltd.’ and not ‘World Book Company Private Limited’.

7. An appeal was preferred by the Petitioner before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 which was disposed of vide order dated 28th September, 2016. In the said appeal, the following

order was passed: -

“The Central public Information officer has attended the RTI Application and furnished/forwarded reply thereof vide his letter no. RTI/2016/IAP/656 dated 19.08.2016 but appellant has filed an appeal against the reply of CPIO.

The undersigned perused the case file thoroughly and it is observed that there are two search reports available in MCA records and as stated in the appeal, copy of one search report (which was searched by first name "Childcraft") was attached with the RTI reply given by the CPIO, hence other search report as available in the record (which was searched by first name "world") is now attached herewith for the appellant's information.

8. The information attached with this order reads as under:-

Search Result

<i>CIN/IA Ref No</i>	<i>Company Name</i>
<i>B43923630</i>	<i>World Book India Private Limited</i>
<i>U22220DL2012PTC236382</i>	<i>WORLD BOOK COMPANY PRIVATE LIMITED</i>
<i>U55101TN1999PTC043161</i>	<i>WORLDWIDE HOTEL, BOOKING CENTRE (INDIA) PRIVATE LIMITED</i>

9. The Petitioner then approached the Central Information Commission by way of a Second Appeal under Section 19(3) of the RTI Act, 2005. Vide order dated 25th April, 2018, while deciding the said Second Appeal, CIC observed as under:-

“4. The respondent stated that the appellant had sought the search report in respect of World Book India Pvt. Ltd.’ and the same was furnished to the appellant vide letter dated 19.08.2016. Moreover, the search facilities relating to names of the companies is

already available on the portal of the Ministry of Corporate Affairs (MCA) i.e., www.mca.gov.in which can be accessed by the public. The respondent also stated that the 'World Book company Pvt. Ltd.' is a different company distinct from 'World Book India Pvt. Ltd'.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that due information has been provided to the appellant by the respondent. Hence, no further intervention of the Commission is required in the matter."

The CIC thus observed that the information sought for has been provided and thus no further orders are called for. The said order is being challenged in this petition.

10. The submission of the Petitioner, appearing in person is that the search report which was provided by the First Appellate Authority was incorrect inasmuch as the Company name 'World Book Company Private Limited' ought to have appeared on top at serial no. 1 as it was previously incorporated.

11. This Court observes that the purpose of conducting a search prior to registering any company is to ensure that no company with a similar name is already registered under the Companies Act, 2013. While conducting such a search, the date of incorporation would be very relevant and, therefore, the searching Authority has to take due care that similar names are not registered by it, so as to avoid disputes between companies with identical or similar names, incorporated under the Companies Act.

12. The search report in this case has been provided by the First Appellate Authority as an annexure, showing the three companies i.e. 'World Book

India Private Limited', 'World Book Company Private Limited' and 'World Hotel Booking Centre India Private Limited'.

13. Admittedly, the entity by the name World Book Company Private Limited was incorporated on 23rd May, 2012 and, thereafter, World Book India Private Limited was incorporated on 24th August, 2012. Thus, when the application for the World Book India Private Limited was processed by the MCA, the name of the earlier registered company ought to have come up in the search report.

14. The search report having now been issued to the Petitioner and the details of incorporation being in public domain, the same now need not proceed further under the RTI Act.

15. The Petitioner is already stated to have filed *CS (COMM) 1372/2016* titled '*World Book Inc. & Ors. v. World Book Company (P) Ltd.*' seeking reliefs under the Trademark Act, 1999 and Passing off. The said suit is stated to be at the stage of trial before the Original Side of this Court.

16. Accordingly, it is directed that the above details of incorporation of the companies shall be noted in the said suit. Secondly, if any further information is needed from the MCA, the Petitioner may summon the records or a witness from the MCA in the said suit.

17. No further orders are required to be passed in this matter. Parties are relegated to their respective contentions in the suit which is pending.

18. With these above terms, the present petition along with all pending applications, if any, is disposed of.

PRATHIBA M. SINGH
JUDGE

JANUARY 23, 2023/MR/AM