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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11547/2023, CM APPL. 47770/2024, CM APPL.
47769/2024 & CM APPL. 47908/2024

CINNI FOUNDATIONPetitioner
Through: Mr. Pankaj Kumar, Advocate
versus

BUREAU OF ENERGY EFFICIENCYRespondent
Through: Mr. Chandra Prakash, Mr. Abhinav
Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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30.09.2024

1. The Petitioner, Cinni Foundation, is a private Trust established under Deed of Trust dated 5th November, 2000. The Petitioner trust has been carrying out its business of manufacturing and selling goods under the trademark "CINNI" through licensees, manufacturers and their affiliates. On 01st February, 2023, one such licensee of the Petitioner, Sah Agencies Pvt. Ltd. submitted an application bearing Reference ID 53528 with the Respondent - Bureau of Energy Efficiency, for issuance of BEE-Star label in their favour in terms of Ceiling Fans under the brand name "CINNI" (Label).
2. The processing of such an application is governed by Regulations formulated by the Respondent namely – the Bureau of Energy Efficiency (Particulars and Manner of their Display on Label of Electric Ceiling Type Fans) Regulations, 2022 dated 19th May, 2022. The said regulations, in Annexure A-1, prescribe a Form which is to be submitted by the applicant disclosing details and information on the equipment for which the label is sought, including enclosures of documents related to Trademark certificates.



3. In light of the above when Respondent processed the application filed by Sah Agencies Pvt. Ltd., a mismatch was found regarding the ownership of the “CINNI” (Label) Mark. The Respondent noted that the said mark was registered in the name of one Mr. Raj Kumar Sah trading as M/s Raj Kumar Sah and Sons. Such ownership of the trademark in the name of Mr. Raj Kumar Sah was also reflected on the website of the trademark registry.
4. In light of this discrepancy, the Respondent issued the impugned communication dated 22nd March, 2023 to the following effect:

“With reference to the trailing mail, your company document already On-hold.

As per Trade Mark website Proprietor name RAJ KUMAR SAH Trading As (RAJ KUMAR SAH AND SONS) is owner of Brand – CINNI (LABEL). Kindly upload Trade Mark certificate and Legal Agreement document of Brand (CINNI (LABEL)) authorization between RAJ KUMAR SAH AND SONS AND SAH AGENCIES PRIVATE LIMITED with each pages sign and stamp by Authorised Signatory. We have enclosed the owner of Brand-CINNI (LABEL) in Trade mark details for your reference.”

As on Date : 22/03/2023	
Status : Registered	
TM Application No.	503208
Class	11
Date of Application	30/12/1988
Appropriate Office	DELHI
State	CHANDIGARH
Country	India
Filing Mode	Branch Office
TM Applied For	CINNI (LABEL)
TM Category	TRADE MARK
Trade Mark Type	DEVICE
User Detail	01/01/1987
Certificate Detail	Certificate No. 224032 Dated : 29/04/1999
Valid upto/ Renewed upto	30/12/2029
Proprietor name	(1) RAJ KUMAR SAH. Trading As : RAJ KUMAR SAH AND SONS. Partnership Firm Details : RAJ KUMAR SAH, RAJENDRA KUMAR SAH, RAVINDRA KUMAR SAH
Proprietor Address	PISHACHMOCHAN MARG, CHET GANJ, VARANASI - 221 002, UTTAR PRADESH.
Email Id	***@unitedipr.com
Agent name	DELHI REGISTRATION SERVICE.[9237]
Agent Address	52, SUKHDEV VIHAR, MATHURA ROAD, NEW DELHI-110 025.
Goods & Service Details	[CLASS : 11] ELECTRIC FANS, ELECTRIC STOVES, ELECTRIC LAMPS, ELECTRIC HEATERS, ELECTRIC TORCHES, AIR COOLERS,



5. Mr. Pankaj Kumar, counsel for the Petitioner argues that the “CINNI” (LABEL), a device mark bearing Trademark No. 503208, now stands assigned in favour of the petitioner - Cinni Foundation by Mr. Raj Kumar Sah trading as M/s Raj Kumar Sah and Sons by way of a Deed of Assignment dated 05th November, 2000, which has also been registered with the Sub-Registrar Varanasi (U.P.). He further submits that the Petitioner has since applied for assignment of the said trade mark in their favour under Section 45 of the Trademarks Act, which application is pending in consideration.

6. On the other hand, the Respondent has appraised the Court of an order passed in W.P.(C) 6446/2024 titled as “CINNI FOUNDATION TRUST v. BUREAU OF ENERGY EFFICIENCY(BEE) & ANR” which was decided by this Court on 07th May, 2024, in terms of the following:

“1. The Petitioner has approached this Court for a direction to the Respondent No.1 to cancel the Star Rating granted in the name of the Dynasty India, i.e. Respondent No.2, despite there being a restraining Order dated 03.02.2017 passed in Case no 43/2014 by district judge Varanasi against Dynasty India and its proprietor from using the trademark “CINNI”.

2. It is the case of the Petitioner that the star rating given by the Respondent is in the teeth of the injunction Order and, therefore, there is a violation of the injunction Order. It is stated by the learned Counsel for the Petitioner that a representation has been given to the Respondent No.1 on 25.01.2024 bringing to its knowledge about the extension of the interim order against an Order passed by the Court of competent jurisdiction restraining Respondent No.2 from using the term “CINNI” and also requesting the Respondent No.1 that the star rating given by the Respondent No.1 to the Respondent No.2 is in violation of the said Order. It is stated that the said representation has yet not been decided.

3. This Court is inclined to dispose of the present Writ Petition with a direction to the Respondent No.1 to dispose of the representation



given by the Petitioner within six weeks from today. An appeal is also maintainable under Section 31 of the Energy Conservation Act (EC Act) 2001. In view of the fact that the Petitioner would not have been aware of the Order granting star rating to the Respondent No.2, if an appeal is filed by the Petitioner before the Appellate Authority within six weeks from today, then the appeal be not dismissed only on the ground of limitation.

4. With these observations and directions, the Writ Petition is disposed of along with the pending applications, if any.”

7. A perusal of the said order reveals that the Petitioner in the said writ petition is Cinni Foundation Trust who had approached the Court seeking cancellation of a ‘Star Rating’ granted in the name of an entity by the name of ‘Dynasty India’ since there was a restraining order dated 03rd February, 2017 passed by the Additional District Court, Varanasi in Case No. 43/2014, against Dynasty India and its proprietor from using the trademark “CINNI”.

8. On the query of the Court, it emerges that CINNI FOUNDATION TRUST, the Petitioner in W.P.(C) 6446/2024, was not represented by Mr. Dipak Kumar Sah, who has filed the instant case. Instead, CINNI FOUNDATION TRUST was represented by one Mr. Anjan Narayan Singh. In fact, in the present proceedings, Mr. Anjan Narayan Singh has filed an application under Section 151 of the CPC seeking dismissal of the writ petition as an intervenor, questioning the filing of the present writ petition in the name of Cinni Foundation.

9. Thus, in view of the above, it emerges that there is a serious factional dispute between the members/ settlors of this Trust.

10. Be that as it may, it has been rightly pointed out by the Respondent that the Applicant of the application for BEE-Star registration bearing No. 53528 was Sah Agencies Pvt. Ltd. The said entity was certainly not the proprietor of the trademark “CINNI” (Label). Counsel for the Petitioner has



sought to argue that Sah Agencies Pvt. Ltd. is a licensee of the Petitioner and since a licensee can also apply for registration, the application is valid. However, after some submissions, he submits that he would like now to apply for a fresh registration in the name of the Petitioner itself – i.e., Cinni Foundation represented through Mr. Dipak Kumar Sah.

11. Thus, without going into the questions of disputed facts and arguments relating to the constitution of the Cinni Foundation and whether Mr. Dipak Kumar Sah is authorised to file the present writ petition, the instant petition can be disposed of since the Petitioner is now inclined to reapply for the BEE Star Label for the under their own name. In effect, the challenge to impugned decision is being given up.

12. In the event, the Petitioner was to apply for the BEE Label with Respondent afresh under their own name, the same shall be considered on its own merits in accordance with law.

13. With the above directions, the present writ petition is disposed of along with pending applications.

14. It is made clear that the Court has not commented upon or adjudicated any issue regarding the managerial control of Cinni Foundation. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

SEPTEMBER 30, 2024/ab