



\$~2 to 7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.A.(COMM.IPD-TM) 63/2022**
SRI SAI BABA SUPER SPIRITUALITY HOSPITAL TRUST

.....Appellant

Through: Mr. Mahesh B. Chhibber, Adv.

versus

THE REGISTRAR OF TRADE MARKSRespondent

Through: Mr. Shashank Dixit, CGSC with Mr.
Rohit Gupta, Adv.

3

C.A.(COMM.IPD-TM) 108/2022
SRI SAI BABA SUPER SPIRITUALITY HOSPITAL TRUST

.....Appellant

Through: Mr. Mahesh B. Chhibber, Adv.

versus

THE REGISTRAR OF TRADE MARKSRespondent

Through: Mr. Piyush Beniwal, Mr. Nikhil
Kumar Chaubey and Ms. Jyotsha
Vyas, Adv.

4

C.A.(COMM.IPD-TM) 121/2022
SRI SAI BABA SUPER SPIRITUALITY HOSPITAL TRUST

.....Appellant

Through: Mr. Mahesh B. Chhibber, Adv.

versus

THE REGISTRAR OF TRADE MARKSRespondent

Through: Mr. Piyush Beniwal, Mr. Nikhil



Kumar Chaubey and Ms. Jyotsha
Vyas, Advs.

5

C.A.(COMM.IPD-TM) 66/2022
SRI SAI BABA SUPER SPIRITUALITY HOSPITAL TRUST,
GUMANIWALA, SHYAMPUR BYE PAS, RISHIKESH,
DEHRADUN, UTTARAKHANDAppellant
Through: Mr. Mahesh B. Chhibber, Adv.

versus

REGISTRAR OF TRADE MARKS, BOUDHIK SAMPADA
BHAVAN, PLOT NO. 32, SECSTOR-14, DWARKA, NEW DELHI
.....Respondent
Through: Mr. Shashank Dixit, CGSC with Mr.
Rohit Gupta, Advs.

6

C.A.(COMM.IPD-TM) 71/2022
SRI SAI BABA SUPER SPIRITUALITY HOSPITAL TRUST
.....Appellant
Through: Mr. Mahesh B. Chhibber, Adv.

versus

THE REGISTRAR OF TRADEMARKSRespondent
Through: Mr. Shashank Dixit, CGSC with Mr.
Rohit Gupta, Advs.

7

C.A.(COMM.IPD-TM) 82/2022
SRI SAI BABA SUPER SPIRITUALITY HOSPITAL TRUST
.....Appellant
Through: Mr. Mahesh B. Chhibber, Adv.

versus



THE REGISTRAR OF TRADE MARKS

.....Respondent

Through: Mr. Piyush Beniwal, Mr. Nikhil
Kumar Chaubey and Ms. Jyotsha
Vyas, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

02.04.2025

%

1. Learned counsel for the respondent in the above matters submit that the alleged Notification is not traceable. Moreover, since the alleged Notification which provides for the list of prohibited marks pertains to the year 1955, the same being not traceable, the respondent is not in a position to comply with the directions issued by this Court *vide* order dated 20.03.2024. As such, he is also unable to file an affidavit *qua* it in terms of the aforesaid order as well.

2. In view of the aforesaid position, learned counsel for the respondent further submit that considering the aforesaid, it would be in the interest of justice if the trademark applications involved in each of the petitions are remanded for fresh consideration on merits before the Registrar of Trade Marks i.e. the respondent.

3. In the considered opinion of this Court also, since the very existence of the alleged Notification on which the earlier order(s) passed by the respondent are premised is under cloud and the same has neither been produced nor detailed despite repeated opportunities granted to the said respondent, it would be in the interest of justice if the trademark applications



involved in each of the petitions herein are remanded for fresh consideration on merits before the respondent.

4. Therefore, the trademark applications involved in each of the petitions herein are remanded for fresh consideration on merits before the respondent, who, after giving appropriate hearing(s) to the petitioner and/ or its authorized representative(s)/ Agent(s)/ counsel(s) shall decide them within a period of *six weeks* from the receipt thereof.

5. List before the Registrar of Trade Marks on 15.04.2025.

6. Accordingly, all the appeals stand disposed of with the aforesaid directions.

7. A copy of this order be kept in the connected matters.

SAURABH BANERJEE, J.

APRIL 2, 2025/bh