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

+ **O.M.P.(I) (COMM.) 216/2025**

TIPPING MR. PINK PRIVATE LIMITEDPetitioner
Through: **Mr. Jayant Kumar, Advocate.**

versus

DR. PRABHAT RANJANRespondent
Through: **Mr. Tilak Raj, Advocate.**

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
13.10.2025

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1. This petition is filed on behalf of the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 seeking a direction restraining the Respondent from using the trademark 'BURGER SINGH' or any other mark confusingly or deceptively similar thereto.
2. Petitioner is a Registered Proprietor of the trademark 'BURGER SINGH' and its other formative trademarks, the details of which have been mentioned in the petition. A Franchise Agreement was executed between Petitioner and the Respondent on 14.02.2023 for a term of five years, whereby license was granted to the Respondent to use the mark 'BURGER SINGH', subject to terms and conditions mentioned therein. Respondent, however, committed breach and Petitioner terminated the agreement vide notice dated 26.05.2025. Respondent continued to operate the outlet under the licensed marks despite termination of the agreement, thereby infringing the registered trademark of the Petitioner as also passing off its goods for



those of the Petitioner, diluting and eroding the goodwill and reputation of Petitioner's brand and trademark and hence, this petition was filed. By an *ex parte ad interim* order dated 30.05.2025, Court restrained the Respondent from using the mark 'BURGER SINGH' or any other mark confusingly or deceptively similar thereto for its goods and services till the next date. Interim order has continued till date.

3. Learned counsel appearing on behalf of the Respondent, on instructions, submits that Respondent has stopped using the trademark 'BURGER SINGH' and undertakes that he shall not use the said mark or any other mark deceptively or confusingly similar to the said registered trademark of the Petitioner. The undertaking is accepted. Let an affidavit of undertaking be filed by the Respondent to this effect within two weeks from today.

4. At this stage, learned counsel for the Petitioner points out that the Local Commissioner appointed by this Court has seized infringing material from the premises of the Respondent, which is in Respondent's custody on *superdari* and direction be issued to the Respondent to destroy the material in the presence of Petitioner's Authorized Representative.

5. It is directed that Respondent shall destroy all materials seized by the Local Commissioner lying in his custody on 18.10.2025 at 02:30 PM in the presence of Petitioner's Authorized Representative and/or counsel.

6. Petition stands disposed of in the aforesaid terms, making the interim order dated 30.05.2025 absolute.

JYOTI SINGH, J

OCTOBER 13, 2025/YA