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

+ **W.P.(C)-IPD 37/2024 with CM 122/2024**

M/S. PHARMA SYNTH FORMULATIONS LTD.Petitioner

Through: Mr. Ankit Sahni and Mr. Chirag Ahluwalia, Advocates.

versus

REGISTRAR OF TRADEMARKSRespondent

Through: Ms. Nidhi Raman, CGSC with Ms. Archana Surve, Govt. Pleader and Mr. Zubin Singh and Mr. Akash Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

23.01.2025

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1. The present writ petition has been filed by the petitioner impugning the notice issued by the respondent on 22nd October, 2024 under Section 57(4) of the Trade Marks Act, 1999 for the cancellation of the registration of the petitioner's trade mark 'CHAIAMMRIT' under the application no.4903195 in Class 30.
2. The registration was granted to the petitioner *vide* registration certificate dated 3rd August, 2024 on a '*proposed to be used*' basis.
3. On the last date of the hearing, i.e. 28th November, 2024, the counsel for the petitioner submitted that once a trademark is registered on a '*proposed to be used*' basis, the respondent cannot demand supporting documents in respect of the user. Therefore, it was contended that the notice issued by the respondent was erroneous.



4. On the same date, notice was issued in the petition and the effect of the impugned order dated 22nd October, 2024 was stayed. Further, the counsel for the respondent sought time to take instructions.
5. Counsel for the respondent has returned with instructions and submits that the order dated 22nd October, 2024 was issued inadvertently.
6. In view of the aforesaid statement, the writ petition is allowed and the impugned notice dated 22nd October, 2024 is set aside.

AMIT BANSAL, J

JANUARY 23, 2025

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