

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL MISCELLANEOUS PETITION NO. 124 OF 2025

Todi Mills

...Petitioner

Versus

Debanjan Chakrabertty Senior Examiner Of Trade Marks & Anr. ...Respondents

Mr. Atif Sayyed i/b Krishna & Saurastri Associates LLP for the Petitioner.

Mr. Mahesh Shukla for the Respondents.

CORAM : ARIF S. DOCTOR, J.

DATE : 4th MAY, 2026

P.C.

1. The Petition impugns an order dated 19th February 2025, whereby the Application of Petitioner's Trademark No. 5890627 came to be rejected. On the previous occasion, time was granted to learned counsel appearing on behalf of the Respondent–Controller to take instructions.

2. Mr. Shukla, learned counsel appearing on behalf of the Respondent–Controller today submits that the Respondent–Controller does not wish to file any Reply Affidavit to the captioned Petition, it is thus that the Petition was taken up for hearing.

3. Mr. Sayyed, learned counsel appearing on behalf of the Petitioner,

submits that the impugned order is entirely unreasoned. He then invites my attention to the impugned order which for the convenience is reproduced as follows:

“आदेश/Order

Above application has been filed for registration of the trademark GRIP (Label) on 12/04/2023 which was examined on 20/10/2023 and examination report was communicated to the applicant at his address for service. A reply to the office objection(s) had been filed on behalf of the applicant but the same was not found satisfactory and the application was set down for hearing and eventually hearing took place before me on 19/02/2025.

AHONA CHAKRABORTY Attorney appeared before me and made his/her submissions. I have heard arguments and gone through the records.

The mark applied for registration is identical with /similar to earlier trademarks on record, as mentioned in the Examination report and by similarity of marks as well as similarity of goods and services covered under such marks, there exists a likelihood of confusion in the mind of public. As such the registration of the mark is objectionable under Section 11(1) of the Trade Marks Act 1999)

After perusal of all the documents on record and submission made by the applicant/authorised agent, it is concluded that applied mark is not registrable because of the reason stated as above. Hence application no 5890627 cannot be accepted and refused accordingly.”

3. From perusal of the order, there is indeed much merit in submission of Mr. Sayyed. I then put to Mr. Shukla as to how such an order, which is entirely bereft of reasoning can be sustained. Mr. Shukla being unable to point out any reasoning in the order, the order in my view would have to be set aside. The Application and the matter remanded back for consideration afresh by a different Controller.

4. Accordingly, I pass the following Order:
- (i) The impugned order is quashed and set aside.
 - (ii) The matter is remanded back for fresh consideration by a different Controller on the basis of existing record. This exercise shall be carried out within a period of three months from the date of this order.
 - (iii) The Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]