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

Date of Decision: 06.02.2026

+ **LPA 801/2025**

**SKA INSURANCE SURVEYORS AND LOSS ASSESSORS
PRIVATE LIMITED**

.....Appellant

Through: Ms. Rajeshwari Hariharan with Mr.
Varun Mudgil, Mr. Prateek Kedawat,
Mr. Rakesh Kumar, Ms. Garima Anand
& Ms. Eti Kushwaha, Advocates.

Versus

**REGIONAL DIRECTOR NORTHERN REGION
& ANR.**

.....Respondents

Through: Ms. Shiva Lakshmi, Mr. Madhav
Bajaj, Mr. Arvind, Ms. Anushikha
Rathore and Mr. Yatendre Dhankar,
Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

CM APPL. 82748/2025

1. Having heard the learned counsel for the parties, we find that the delay in filing the appeal has sufficiently been explained.
2. Accordingly, the application is allowed and the delay in filing the appeal is condoned.

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3. The present appeal is filed against the Judgment dated 19.11.2025 (“**Impugned Judgment**”) passed in W.P.(C) No.17574/2025 (“**Writ**”

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Petition”) whereby the learned Single Judge dismissed the Writ Petition and upheld the Regional Director’s order dated 01.09.2025 passed under Section 16(1)(a) of the Companies Act, 2013 (“**Companies Act**”) directing the Appellant to change its name with an extension of one month for compliance.

4. The brief facts leading up to filing of the present appeal are as under:

4.1 The Appellant was incorporated on 25.02.2022 under the Companies Act with the name “SKA Insurance Surveyors & Loss Assessors Pvt. Ltd.” after approval by the Registrar of Companies.

4.2 Respondent No.2 was incorporated on 21.02.2008 under the Companies Act with the name “SKAAD Surveyors & Loss Adjusters Private Limited”. In 2013, Respondent No.2 changed its name to “SKAAD Insurance Surveyors & Loss Assessors Pvt. Ltd.”

4.3 Respondent No.2 filed an application before Respondent No.1 under Section 16(1)(a) of the Companies Act alleging that the Appellant’s name is deceptively similar to its own on 21.09.2024.

4.4 On 01.09.2025, Respondent No.1 passed an order directing the Appellant to change its name within three months as there was resemblance in the name of the Appellant and Respondent No.2 which may cause confusion by any person dealing with either company.

4.5 Being aggrieved by the said order dated 01.09.2025, the Appellant filed the Writ Petition, which was dismissed vide Impugned Judgment while extending the time for complying with the order passed by Respondent No.1 by further period of one month.



4.6 The Appellant has filed the present appeal against the impugned order.

5. We have heard the learned counsel for the parties.

6. Section 16(1) of the Companies Act reads as under:

“16. Rectification of name of company.—(1) If, through inadvertence or otherwise, a company on its first registration or on its registration by a new name, is registered by a name which,—

(a) in the opinion of the Central Government, is identical with or too nearly resembles the name by which a company in existence had been previously registered, whether under this Act or any previous company law, it may direct the company to change its name and the company shall change its name or new name, as the case may be, within a period of three months from the issue of such direction, after adopting an ordinary resolution for the purpose;

(b) on an application by a registered proprietor of a trade mark that the name is identical with or too nearly resembles to a registered trade mark of such proprietor under the Trade Marks Act, 1999, made to the Central Government within three years of incorporation or registration or change of name of the company, whether under this Act or any previous company law, in the opinion of the Central Government, is identical with or too nearly resembles to an existing trade mark, it may direct the company to change its name and the company shall change its name or new name, as the case may be, within a period of six months from the issue of such direction, after adopting an ordinary resolution for the purpose.”

7. The main grievance of the Appellant is that the Impugned Judgment has stated that Appellant and Respondent No.2's name is “substantially identical” merely because the suffix is common despite the fact that the suffix “Insurance Surveyors & Loss Assessors” is a standard name for licensed Insurance Surveyors & Loss Assessors as mandated by the Insurance Regulatory and Development Authority of India. Further, the Appellant has contended that Section 16(1)(a) of the Companies Act cannot be used as a substitute for trade mark / passing off adjudication, particularly



when Respondent No.2's trade mark application was not accepted by the Trade Mark Registry.

8. Learned Counsel for the Appellant submitted that the order passed by Respondent No.1 clearly mentions that *"The respondent found to be infringing the rights of the petitioners and may likely to cause confusion in the minds of general public as the director of Respondent company has served as Director of the Petitioner company also."* Therefore, the order passed by Respondent No.1 was beyond the scope of Section 16(1)(a) of the Companies Act as the same clearly mentions that the Appellant's name infringes the right of Respondent No.2 and has gone into the adjudication of the past relationship between the Parties. It was submitted that the Impugned Judgment also records that the present Director of the Appellant was a Director of Respondent No.2 for more than thirteen years and the same directorship ceased only about two months prior to the incorporation of the Appellant company, which finding was extraneous to the provisions of Section 16(1)(a) of the Companies Act.

9. It was submitted that as per the mandate of Section 16(1)(a) of the Companies Act, Respondent No.1 was only to give finding as to whether the name of Appellant is identical with or nearly resembles with the name of Respondent No.1, which was previously registered. Therefore, the order passed by Respondent No.1 as well as the Impugned Judgment were contrary to the provisions of Section 16(1)(a) of the Companies Act.

10. Having considered the order passed by Respondent No.1 as well as the Impugned Judgment, the findings contained therein are in consonance with the provisions of Section 16(1)(a) of the Companies Act as on comparison of the name of Appellant, the same resembles with the name of



Respondent No.2. The learned Single Judge has observed in the Impugned Judgment that Section 16(1)(a) of the Companies Act can be invoked in any case where the name of the company is identical or closely resembles with the name of a pre-existing company. It is further held in the Impugned Judgment that the order passed by Respondent No.1 cannot be read as returning a finding relating to trade mark or passing off.

11. Accordingly, we concur with the findings of the learned Single Judge in the Impugned Judgment. Although, the order passed by Respondent No.1 mentions about “infringing the rights” of Respondent No.1, it does not imply that Respondent No.1 determined the intellectual property rights of either the Appellant or Respondent No.1 in relation to the trade mark, if any, in their respective name. The order passed by Respondent No.1 clearly records that there is a resemblance in the name of both the companies which may cause confusion by any person dealing with either company.

12. The order passed by Respondent No.1 and the Impugned Judgment mentions about the Director of the Appellant being previously the Director of Respondent No.2, however, the same does not take away the finding that the condition for directing the change under Section 16(1)(a) of the Companies Act are clearly attracted in the facts of the present case as the comparison of the name of Appellant “SKA Insurance Surveyors & Loss Assessors Pvt. Ltd.” and Respondent No.2 “SKAAD Surveyors & Loss Adjusters Private Limited” resemble with each other and therefore Respondent No.2 being the previously registered company, the direction to the Appellant to change its name was rightly passed.

13. Accordingly, we do not find any merit in the present Appeal and the same is hereby dismissed.



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14. At this stage, the learned Counsel for Appellant, on instructions, submits that the Appellant will take steps to change its name within a fortnight from the date. We provide that if the Appellant takes steps to change its name within a fortnight from the date, as per statement made on behalf of the Appellant, same shall be treated as compliance with the order passed by Respondent No.1 as well as the learned Single Judge in the Impugned Judgment.

15. The Appeal as well as pending Application stands disposed of with the aforesaid directions.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 6, 2026

‘gsr’