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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 649/2026, CM APPL. 3156/2026 & CM APPL. 3157/2026  
YARA GREEN ENERGY PRIVATE LIMITED .....Petitioner

Through: Mr. Shayan Khurram, Mr. Sanjit Singh, Advocates.

versus

UNION OF INDIA & ORS. ....Respondents

Through: Mr. Shashank Bajpai, CGSC, Mr. Sambhav Sharma, G.P for R-1.  
Mr. Nitin Sharma, Advocate with Ms. Subhoshree Siri, Advocates for R-3.

**CORAM:**  
**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

% **16.01.2026**

1. This petition seeks to assails the impugned award dated 30<sup>th</sup> September 2025 passed by respondent no.2, Regional Director (Northern Region) Ministry of Corporate Affairs, who has allowed an application filed under *Section 16 (1) (b), Companies Act, 2013 ('Companies Act')*, by respondent no.3/Yara Fertilizers India Pvt Ltd.
2. For the purposes of reference, the provision of *Section 16(1)(b) of Companies Act, 2013* is extracted as under:

*“....(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....”*

3. By the said application, respondent no.3 has prayed that petitioner i.e. *Yara Green Energy Pvt. Ltd.*, that been incorporated with a name which nearly resembled the corporate name of respondent no.3 who is also registered owner of trademark ‘Yara’ under class 1,13,44 and 42 both as wordmark as well as device.

4. *Mr. Shayan Khurram*, counsel for petitioner contends that while his contentions were recorded in the impugned order, they were not dealt with by the Regional Director (Northern Region) in the impugned order.

5. Counsel for respondent no.3 however, contends that the assessment is limited to what is the scope and purview of *Section 16 (1) (b) of the Companies Act* and this issue is also been dealt with by this Court in ***CGMP Pharmaplan Pvt. Ltd v Regional Director, Ministry of Corporate Affairs and Anr.***, 2010:DHC:3504, relying upon *paragraph 17*, which is extracted as under:

*“17. The decision in Montari Overseas Limited makes it clear that a civil court exercising its powers in terms of the CPC and determining in a passing-off action if one name is confusingly deceptive or similar to another name, is exercising a jurisdiction independent of the jurisdiction of Respondent No. 1 in respect of the registering of a company’s name. The latter is a power vested in the central government in terms of Sections 20 and 22 of the Act. While it is true that the Respondent No. 1 cannot approach the case as it would in a trade*



*mark dispute, it is nevertheless required to come to the conclusion whether the name of which the registration is sought or has been granted too nearly resembles the name of another company. Mr. Chandra is right in his contention that the powers of the central government under Section 22 of the Act are wider inasmuch as there is no need to examine whether there is a likelihood of deception or confusion. It is enough to examine if the name registered too nearly resembles another registered name. The Respondent no. 2 has been able to show that both names too nearly resemble each other.”*

6. On this basis, he states that there was nothing for the Regional Director to examine while determining the application.
7. Counsel appears for respondent no.2, Regional Director, Ministry of Corporate Affairs as well, he also takes the position that the order is reasoned, and it does record the contention of the parties and has been considered.
8. Having perused the impugned order, it does seem that while contentions of petitioner have been record in *paragraph 6* of the impugned order, they have not been dealt with in the analysis by respondent no.2.
9. The concern expressed by counsel for petitioner is that they are an established company, who have already started operations three years back and have applied for Government tenders and it will be difficult for them to change the name, particularly when they are not operating in the same industry as that of respondent.
10. They are further willing to undertake that they will not enter the domain where the respondent no.3 is providing their goods and services.



11. Nevertheless, the matter is remanded back to respondent no.2 to pass a reasoned order, taking into account contentions which were taken in the reply by petitioner company.
12. Respondent no.2 can hear the parties and dispose of the matter within the next four weeks. Till then, the enforcement of the impugned order dated 23<sup>rd</sup> September 2025 shall not come into operation.
13. Needless to say that this Court has not expressed its opinion on the merits of the matter. The parties are free to raise their issues before respondent no.2.
14. Accordingly, the appeal is disposed of. Pending applications are rendered infructuous.
15. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**JANUARY 16, 2026/RK/zb**