



2025:DHC:11865

\$~1

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

+ **CS(COMM) 664/2022 I.A. 15660/2022, , I.A. 3363/2023, I.A.**

15351/2023 & I.A. 15353/2023

U.S. GREEN BUILDING COUNCIL Plaintiff

Through: Mr. Sumit Wadhwa & Mr. Ayush
Samaddar, Advs.

versus

DEMING CERTIFICATION SERVICES PVT LTD Defendant

Through: Mr. Piyush Kumar, Adv. with
Mr. Mukesh Singh, MD of the
Defendant

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **04.01.2024**

I.A. 18273/2022 (under Order XXXIX Rule 2A read with Section 151, CPC)

1. In accordance with the previous order of this Court dated 11th December, 2023, Mr. Mukesh Singh, Managing Director of the defendant-company (Deming Certification Services Pvt. Ltd.) is present in Court today.

2. In response to the concern of this Court regarding non-compliance of order dated 27th September, 2022, by which the Court had passed an *ex-parte* injunction restraining the defendant, and all others acting for or on behalf of it, from using the mark/name 'International Green Building Council' and/or 'IGBC', the domain name 'www.intemationalgbc.org' (as also, the infringing device marks/logos, or any other mark which is identical or deceptively/confusingly similar to the plaintiff's marks), he states that he has complied with the said order and has shut down the aforementioned website



2025:DHC:11865

which is not operational anymore. He further states that he has not been operating under the mark/name '*International Green Building Council*' and/or 'IGBC' and instead, is now operating only under the name of his company '*Deming Certification Services Pvt. Ltd.*'.

3. As regards the plaintiff's assertion that a company has been incorporated by using the name '*International Green Building Council*' on 26th June, 2023, as is evident from the document of Ministry of Corporate Affairs appended by the plaintiff with the application IA No.174/2024 under Order 39 Rule 2A, Code of Civil Procedure, 1908 ("CPC"), Mr. Mukesh Singh submits that the process of applying for incorporation had commenced before the order dated 27th September, 2022 was passed by this Court. However, notwithstanding the same, he undertakes not to activate the said company and/or commence any operations under its aegis or use the company's name in any manner whatsoever during the pendency of the present suit. He further undertakes to fully comply with the order dated 27th September, 2022 passed by this Court.

4. This undertaking of Mr. Mukesh Singh is taken on record. Counsel for the defendant shall also take steps for filing an affidavit in consonance with this undertaking before this Court within the next week, with a copy of the same to the opposing counsel.

5. In view of these directions, present application stands disposed of.

I.A. 174/2023 (Under Order XXXIX Rule 2A, CPC)

1. The present application is the second of its kind moved by the plaintiff herein seeking directions for compliance of order dated 27th September, 2022 of this Court in light of subsequent events that came to its knowledge. It is stated that subsequent to the said order, the defendant has continued to use the infringing marks/logos prominently on its Indiamart, Instagram, Facebook,



2025:DHC:11865

and YouTube pages in gross disregard of the injunction order of this Court. Indicative screenshots have been supplied as part of the said application.

2. Issue notice.
3. Counsel for the defendant accepts notice and shall file a reply to the present application. Directions in I.A. 18273/2022 have already been passed, as above, recording the undertaking of Mr. Mukesh Singh, Managing Director of the defendant, as well as for filing an affidavit ensuring due compliance of order dated 27th September, 2022. It is made clear that the compliance of order of this Court dated 27th September, 2022 shall be complete, comprehensive, in its true letter and spirit, and any attempt by the defendant to violate, disobey, or disregard the same shall invite strict measures by this Court.
4. Reply be filed by the defendant within 4 weeks from today with an advance copy to the opposing counsel who may file a rejoinder thereto, if deemed necessary, before the next date of hearing.
5. List on 2nd April, 2024.

I.A. 3362/2023 (Under XXXIX Rule 4, CPC)

1. This application has been filed under Order XXXIX Rule 4, CPC by the defendant for setting aside the injunction order passed by this Court dated 27th September, 2022.
2. Counsel for the plaintiff states that they have filed reply to the same, which is on record.
3. List on 2nd April, 2024.

CS(COMM) 664/2022

1. It is pointed out by the counsel for the plaintiff that a typographical error has crept in para 9 of the order dated 11th December, 2023 passed by this Court, in that the word 'discontinues' has inadvertently been typed as opposed



2025:DHC:11865

to ‘continues’.

2. Accordingly, said para 9 of the order dated 11th December, 2023 stands modified to that extent and the same shall read as under:

“9. Ms. Salhotra submits that the disobedience of the impugned order continues.”

3. List all the pending applications on 2nd April, 2024.

4. Interim orders to continue till then.

ANISH DAYAL, J

JANUARY 4, 2024/sm/sc