



2025:DHC:11865

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 664/2022, I.A. 15660/2022, , I.A. 15351/2023, I.A. 174/2024 & I.A. 4214/2024

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.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
% **02.04.2024**

I.A. 3362/2023 (under Order XXXIX Rule 4 CPC, filed by defendant)

1. Counsel for defendant seeks time to file rejoinder to the reply filed by the plaintiff on 8th May, 2023 *qua* this application.
2. Considering passage of such a long time, permission cannot be granted and defendant's right to file rejoinder stands closed.

I.A. 4214/2024 (seeking directions for imposition of costs on defendant)

1. Pursuant to previous order dated 22nd February, 2024, counsel for defendant seeks further time to file reply to this application. He additionally states that pursuant to directions of this Court dated 4th January, 2024, compliance affidavit has been filed however the same is lying under objections in the Registry. A copy of the same has been handed up in the Court and has been perused.
2. It is also stated reply to application under Order XXXIX Rule 2A CPC being I.A. 174/2024 has also been filed but the same is also lying under objections. Counsel for the defendant shall take steps to ensure that the



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reply to both these applications are available on record on the next date of hearing.

3. It is pointed out that in para 4 of the said reply, it is stated that incorporation of the Company in the name of International Green Building Council Pvt. Ltd. had already been initiated in the year 2020 by the defendant i.e. before the injunction was directed by this Court on 27th September, 2022. Therefore, there is no wilful disobedience by defendant in that regard. Incorporation has now fructified only on June 26, 2023.

4. Considering the order already passed by this Court injuncting the defendant from using the mark / name 'International Green Building Council' and/or 'IGBC', as per para 18 of the order dated 27th September, 2022, it would be incumbent upon defendant to take steps to apply to the Ministry of Corporate Affairs for change of name to some other name which is not same, identical and / or deceptively or confusingly similar to plaintiff's member organization's mark/name 'Indian Green Building Council', its abbreviation 'IGBC' or plaintiff's mark 'USGBC'.

5. Defendant had already undertaken not to activate the said company or commence any operations under its aegis or use the company so registered in any manner whatsoever during the pendency of the suit.

6. A copy of the application for change of name be also filed along with an affidavit by the defendant before the next date of hearing with copy to the opposing side.

7. Re-notify on 2nd September, 2024.

8. Interim orders to continue till then.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 2, 2024/SM/rj