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

+ **W.P.(C) 19029/2025**

**MAX INDIA INVESTMENT SERVICES
PRIVATE LIMITED**

.....Petitioner

Through: Mr. Pranesh, Advocate alongwith
Petitioner in Person.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC with
Ms. Maanya Saxena & Mr.
Siddharth Bajaj, Advocates for
UOI.
Ms. Vatsala Rai & Mr. Sushrut
Garg, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.12.2025

CM APPL. 79259/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 19029/2025 & CM APPL. 79258/2025 (stay)

1. Issue notice. Ms. Vatsala Rai, learned counsel, accepts notice on behalf of respondent No. 3 – Max India Limited. Mr. Jagdish Chandra, learned Central Government Standing Counsel, who is present in Court, is requested to accept notice on behalf of respondent Nos. 1 and 2.
2. The petitioner assails the order dated 06.10.2025 passed by the Regional Director (Northern Region), Ministry of Corporate Affairs,



whereby, in exercise of powers under Section 16(1)(b) of the Companies Act, 2013 [“the Act”], the petitioner has been directed to change its name within a period of three months.

3. Section 16(1) of the Act reads as follows:

“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 (47 of 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 3 [period of three months] from the issue of such direction, after adopting an ordinary resolution for the purpose.”

4. The impugned order records that the petitioner-company was incorporated on 22.10.2007 under the name “*Max India Financial Consultants Private Limited*”, and that its name was subsequently changed to “*Max India Investment Services Private Limited*” on 25.11.2020.

5. On 14.04.2023, respondent No. 3 herein, a company by the name of “*Max India Limited*”, claiming to be the owner of the trademarks “*MAX*” and “*Max India Limited*” in several classes, sought directions against the petitioner under Section 16(1)(b) of the Act, contending that



the name of the petitioner was identical with or too nearly resembled its existing trademark.

6. By the impugned order, the Regional Director has decided the matter in favour of respondent No. 3 herein.

7. Having heard Mr. Pranesh, learned counsel for the petitioner, and Ms. Rai, I am of the view that the matter requires further consideration. It is apparent that the petitioner has been operating since 22.10.2007 under a name incorporating the words “*Max India*”, and has continued to do so for the past 18 years. In contrast, respondent No. 3 adopted the name “*Max India Limited*” only on 01.07.2020. Although it is contended that the name “*Max India Limited*” was previously used by a company of the same group incorporated on 05.02.1982, and that the name of respondent No. 3 was subsequently changed to “*Max India Limited*” pursuant to various schemes of amalgamation, merger/demerger, it requires consideration as to whether a company that adopted the name and acquired the trademark after the petitioner, is entitled to such an order under Section 16(1)(b) of the Act, despite the petitioner’s prior use of the name.

8. In view of the fact that the petitioner has admittedly been using the words “*Max India*” in its name since 2007, I am of the view that it has made out a *prima facie* case for interim relief, and that the balance of convenience is also in its favour. It is, therefore, directed that the impugned order dated 06.10.2025 shall remain stayed, until the next date of hearing.

9. Counter affidavits be filed within four weeks. Rejoinders thereto, if any, may be filed within two weeks thereafter.



10. In the meantime, Mr. Pranesh and Ms. Rai submit that the parties are also inclined to explore the possibility of an amicable settlement. In view thereof, the parties are referred to mediation under the aegis of *Samadhan*, the Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi – 110503, so that an attempt may be made to amicably resolve the disputes.

11. List before the learned Mediator on 23.12.2025.

12. List on 25.03.2026.

13. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

DECEMBER 16, 2025

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