

Rec on 09/02/2018 in Gujarat
SIN Sun House
Rec on = 12-02-2018

**BEFORE THE REGIONAL DIRECTOR, NORTHERN REGION
MINISTRY OF CORPORATE AFFAIRS
NEW DELHI**

REF: Sec.16/D/163/G52376027/2017/ 14392

Dated: 05 FEB 2018

Present: **REGIONAL DIRECTOR (NR)**

In the matter of section 16 of the Companies Act, 2013

And

In the matter of M/s Sun Pharmaceutical Industries Limited having its registered office at SPARC, Tandalja, Vadodara, Gujarat- 390020.

.....Applicant

M/s Sunkrish Pharmaceuticals Limited having registered office at 370-B PKT-2 G/F Mayur Vihar PH 1 New Delhi East Delhi -110091.

..... Respondent

Present on behalf of the applicant/ respondent

Mr. Sachin Gupta, Advocate

.....for Applicant

None present for Respondent

Date of hearing: - 20.11.2017, 13.12.2017 and 24.01.2018

ORDER

An application pursuant to SRN G52376027 dated 07.09.2017 has been moved before this forum under section 16(1)(a) of the Companies Act, 2013 by M/s Sun Pharmaceutical Industries Limited for issue of directions to M/s Sunkrish Pharmaceuticals Limited to rectify its alleged identical / similar name.



Cont....2

[Handwritten signature]

2. The Applicant company M/s Sun Pharmaceutical Industries Limited was incorporated on 01.03.1993 with the Registrar of Companies, Gujarat, Ahmedabad and has obtained Trade Mark Registration for the mark and word "SUN" under the Trade Mark Act, 1999. The Respondent Company M/s Sunkrish Pharmaceuticals Limited was incorporated on 19.03.2015 with the Registrar of Companies, NCT of Delhi & Haryana having its registered office at 370-B PKT-2 G/F Mayur Vihar PH 1 New Delhi East Delhi DI -110091.

3. On receiving the application from the Applicant, this office has called comments from the Respondent Company and fixed the matter for hearing on 20.11.2017. The notice of hearing issued at the registered office of the Respondent Company returned undelivered with postal remark "Left", which indicates that Respondent Company is not maintaining its registered office at the given address. Further, a letter dated 15.11.2017 received from Respondent Company requesting for adjournment in the matter, however, the authorized representative of Applicant Company present for hearing held on 20.11.2017. Considering the request of the Respondent the matter was adjourned for hearing on 13.12.2017. On 13.12.2017 none appeared on behalf of Respondent Company for hearing and the matter was adjourned to 24.01.2018 on request of authorized representative of Applicant Company.

4. The matter was fixed for final hearing on 24.01.2018 and the notice of hearing dated 14.12.2017 was issued to both the Applicant and Respondent Companies and also to Directors of Respondent Company. The Authorized Representative of Applicant Company was present for hearing on 24.01.2018 but again none appeared on behalf of the Respondent Company and no communication received from the Respondent Company.



Signature

Cont..

5. By considering the above facts and circumstances and in terms of provisions under sub-section (1) of section 16 of the Companies Act, 2013 read with Government of India, Ministry of Corporate Affairs Notification no. S.O.4090 (E) dated 19.12.2016, I am inclined to write that despite giving various opportunities to respondent company none present hence, the matter is decided ex-parte and the application filed by the Applicant Company is allowed with direction to Respondent Company to change its name within three months from date of this order. Accordingly the application of the Applicant Company is disposed off with no order to cost.

Signed on this *Sunday* of February, 2018 at Delhi.

(S.B. GAUTAM)
REGIONAL DIRECTOR (NR)

Endt: Sec.16/D/163/G52376027/2017/ *14392*

Dated: _____

1. M/s Sun Pharmaceutical Industries Limited having its registered office at Sparc, Tandalja, Vadodara, Gujarat- 390012.
2. M/s Sunkrish Pharmaceuticals Limited having registered office at 370-B PKT-2 G/F Mayur Vihar PH 1 New Delhi East Delhi DI- 110091.

Copy forwarded for information and necessary action to:

The Registrar of Companies, NCT of Delhi & Haryana to initiate necessary action under **section 12** of the Companies Act, 2013 against the Respondent company, i.e., M/s Sunkrish Pharmaceuticals Limited and submit report to this directorate at an early date.



(S.B. GAUTAM)
REGIONAL DIRECTOR (NR)

