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एकलप / PATENTS / अगलकल्प / DESIGNS

व्यापार चिह्न / TRADE MARKS

भौगोलिक उपदर्शन / GEOGRAPHICAL INDICATIONS फोन : 28082915, 28082916, 28082917



भारत सरकार  
GOVERNMENT OF INDIA

व्यापार चिह्न रजिस्ट्री

भौगोलिक उपदर्शन भवन

प्लॉट नं. 32, सेक्टर 14, द्वारका,

नई दिल्ली - 110078

GOVERNMENT OF INDIA

TRADE MARKS REGISTRY

Intellectual Property Bhavan,

Plot No - 32, Sector 14, Dwaraka,

New Delhi - 110078

Tel : 28082915, 28082916, 28082917

## THE TRADE MARKS ACT,1999 (Before the Registrar of Trade Marks, Delhi)

IN THE MATTER OF an Application No. 6030753

for registration of a trade mark in class 35

trading as M/s ACME CLEANTECH SOLUTIONS PRIVATE LIMITED .

Plot No. 152, Sector - 44, Gurugram - 122002, Haryana..Applicants

AND

IN THE MATTER OF Opposition No.- 1312323

thereto by ACME UNIVERSAL SAFEZONE 9 PVT. LTD.

N.H.3, AGRA BOMBAY ROAD, GIRWAI, GWALIOR – 474001

(M.P.) .. Opponents

Hearing Date : 12/06/2025

Present : Adv.Akriti appeared for the applicant.

Adv.Praveen Agrawal appeared for the opponent.

### ORDER

Proceedings were initiated under Section 21 of the Trade Mark Act,1999, by the above named opponent to oppose the registration of trademark applied for by the above named applicant.

The present matter is listed for a hearing to show cause why the application shall not be treated as abandoned u/s 21(2) of the Trade Marks Act 1999.

Adv. Akriti represented the applicant and noted that the notice of opposition was served on 19/06/2024, and the applicant was required to submit the counter-statement by 19/08/2024. However, since 19 August 2024 was a public holiday due to Raksha Bandhan, all judicial and quasi-judicial bodies in Delhi were closed on that date . Therefore,the counter Statement was filed on the next working day, 20 August 2024. The delay of one day, which was also recognized as a holiday, in filing the Counter Statement justified,Therefore, in the interest of natural justice,the applicant prayed that the delay may kindly be condoned and the counter-statement may kindly be taken on record.

Adv. Praveen Agrawal appeared on behalf of the opponent and contended that the applicant has filed a false and frivolous claim. There was no holiday in the central government offices for Rakha Bandhan. As a result, the Trade Marks Registry was open on that day, and a hearing was held. The applicant is not entitled to an extension

24/06/25



of the limitation period under the General Clauses Act. Hence, prayed that the application may kindly be abandoned.

The applicant has placed reliance on the following citations;

- i) Huda & Another Vs Dr .Babeswar Kanhar & Oth 2005(1) SCC 191
- ii) Fulchand Bhagwandas Gugale Vs State of Maharashtra (2005(1) SCC193).
- iii) H.H. Raja Harinder Singh Vs S. Karnail Singh And Others  
(1956 SCC OnLine SC 111 : 1957 SCR 208 : AIR 1957 SC 271 : 12 ELR 421)
- iv) Md. Ayub Vs State of U.P. (2009)17 SCC 70
- v) Collector, Land acquisition, Anantnag Vs Mrs. Katiji (1987) 2 SCC 107
- vi) S.K. Viswambaran Vs E. Koyakunj & Others (1987) 2 SCC 109.
- vii) Vedabhai @ Vijayanatabai Baburao Patil Vs Shantaram Baburao Patil  
(2001) 9 SCC 106
- viii) Delhi High Court & Oth Vs Atul Kumar Sharma (2001) 9 SCC 108

The citations discussed above specifically addresses situations where the limitation period concludes on a holiday; in such cases, only actions taken on the following working days are considered valid. The citations referenced in serial numbers (v) and (vii) indicate that delay were excused due to sufficient cause, and they specifically pertain to civil disputes. However, in the current case, the facts and circumstances are entirely different, necessitating strict adherence to statutory requirements under special laws. Consequently, the advantages of the aforementioned citations cannot be granted in favour of the applicant.

As per the online records, the Notice of Opposition was filed on dt.21/05/2024, as per the admission of the applicant the notice of opposition was received on dt.19/06/2024 and Subsequently, the applicant has filed the counter-statement on dt.20/08/2024. As per the General Causes Act, 1897 u/s 10. Computation of time

(1)Where, by any [Central Act] [Substituted by A.O.1937, for " Act of the Governor General-in-Council" .] or Regulation made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, **if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:**

*24/06/25*



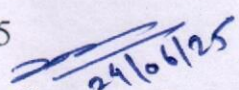
Provided that nothing in this section shall apply to any act or proceeding to which the [Indian Limitation Act, 1877] [Now see the limitation Act, 1963 (36 of 1963).] applies. (2) This section applies also to all [Central Acts] [Substituted by A.O.1937, for "Acts of the Governor General-in-Council" .] and Regulations made on or after the fourteenth day of January, 1887.

The applicant has submitted a calendar of Hon'ble High court of Delhi which is not applicable for the central government offices. Moreover, There was no holiday in the central government offices on dt.19/08/2024, The Trade Marks registry was fully functional on the relevant dates, Therefore, The limitation can not be extended on the next date, The grounds put forth by the applicant are not reasonable and justified. The applicant ought to file the counter-statement within the statutory period of two months from receiving the notice of opposition and the applicant failed to do the same. Therefore, the application is deserved to be abandoned.

As far as the sec 21 (2) clearly specifies that the Registrar shall serve a copy of the notice on the applicant for registration and, within two months from the receipt by the applicant of such copy of the notice of opposition, the applicant shall send to the Registrar in the prescribed manner a counter-statement of the grounds on which he relies for his application, and if he does not do so he shall be deemed to have abandoned his application. Therefore, the application is deserved to be abandoned.

The word shall" used in the corresponding provision is mandatory. Moreover, the applicant failed to put forth any justified or reasonable grounds to condone the delay and accept the counter-statement. Hence the application is deemed to be abandoned u/s 21 (2) of the Trade Marks Act, 1999.

Signed and Sealed at Delhi dated this 24<sup>th</sup> June, 2025

  
Sachin Ganeshrao Pathak

ASSTT. REGISTRAR OF TRADE MARKS

No.TOP/

Dated:24/06/2025

Copy forwarded for information to :-

1.) NIRUPAM LODHA (Agent)

Khaitan & Co 1105, Ashoka Estate, 24, Barakhamba Road, New Delhi-110001

2.) ACME CLEANTECH SOLUTIONS PRIVATE LIMITED (Proprietor)

Plot No. 152, Sector - 44, Gurugram - 122002, Haryana

3.) J.P. ASSOCIATES ADVOCATE. (Agent)

320 2 Tulsi Vihar, Near S.B.I. Zonal Office, City Centre, Gwalior -474 011 (M.P.).

4.) ACME UNIVERSAL SAFEZONE 9 PVT. LTD. (Opponent)

N.H.3, AGRA BOMBAY ROAD, GIRWAI, GWALIOR - 474001 (M.P.)