

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2064 OF 2015

Godrej & Boyce Manufacturing	}	
Company Limited and Anr.	}	Petitioners
versus		
The Deputy Controller of Patents	}	
and Designs	}	Respondent

Mr. Rohan Kadam i/b. M/s. Bachubhai
Munim and Company for the Petitioners.

Mr. Advait M. Sethna with Mr. Dushyant
Kumare and Ms. R. Thakkar for the
Respondent.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- NOVEMBER 30, 2015

P.C. :-

After the matter was heard for some time and Mr.Kadam appearing for the Petitioners canvassed detailed submissions, we inquired from Mr. Sethna as to what could be the reason for the patent office taking such a hyper technical and extreme position, namely, disputing non acceptance of renewal fees for the registered patent of the Petitioners for the year 2007, when such fees for prior years have been accepted and even for years subsequent to 2007. Mr. Sethna, on taking instructions from the officer present in Court, makes a statement that the

order passed on 31st March, 2015 at Annexure 'A' at page 21 of the paper book stands withdrawn. It would be accepted by the Patent Office that the Petitioner has indeed paid the renewal fees. Therefore, no coercive action in the nature of removing the patent from the Register or otherwise will be taken. The office will acknowledge acceptance of renewal fees for the year 2007 and issue a receipt in that regard.

2) In the light of these statements made on instructions by Mr. Sethna, all the apprehensions of the Petitioners are taken care of. The Petitioners can proceed on the footing that their patent is registered and assert rights based on such registration in all legal proceedings.

3) The Writ Petition is disposed of in these terms. Needless to clarify that all subsequent renewal fees up to the year 2015 shall be accepted by the Patent Office in the light of the specific statements made by Mr. Sethna and in view of the order dated 31st March, 2015 having been withdrawn.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)