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

+ **W.P.(C) 3470/2020 & CM APPL. 12294/2020**

TORRENT PHARMACEUTICALS LIMITED ... Petitioner

Through: Mr. C.M. Lall, Senior Advocate,
with Mr. S. Majumdar, Ms. Nancy Roy and
Mr. Afzal B. Khan, Advs.

Versus

UNION OF INDIA & ORS. ... Respondents

Through: Ms. Maninder Acharya, Ld. ASG,
with Mr. Harish Vaidyanathan Shankar CGSC
and Mr. Viplav Acharya, Advs. for R-1 and R-2
Mr. Pravin Anand, Ms. Vaishali Mittal and
Mr. Siddhant Chamola, Advs. for R-3

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
11.06.2020

This hearing is conducted through Video-Conferencing.

CM APPL. 12294/2020 (*exemption*)

Exemption allowed, subject to all just exceptions.

W.P.(C) 3470/2020

1. This Writ Petition is filed seeking the following reliefs:-

“(a) A writ of and/or in the nature of mandamus directing the Respondent No.1 and 2 to urgently decide the petitioner’s representation dated 15th May 2020, and/or

b. A writ of and/or in the nature of certiorari quashing the order dated 04.07.2011 passed by the Respondent No. 2 and striking off as lapsed Indian Patent IN '625 from the Register of Patents;”

2. Learned senior counsel for the petitioner has made two grievances. He submits that firstly at the time when the patent in question i.e. IN625 was granted there was no publication done by respondent No.1 and 2. Secondly, he submits that there was non-filing of renewal within the stipulated time as given in the statute. Despite this extension of time has been given to the petitioner. He submits that based on the above, a representation before the respondents No.1 and 2 is pending. He has clarified that the petitioners have also filed a petition before the IPAB seeking revocation of the patent. He, however, clarifies that the grounds raised in the revocation petition are different than the grounds being urged today before this court and before respondents No.1 and 2.

3. Learned counsel appearing for respondent No.3 has opposed the present petition stating that no such petition lies under the statute. He also states that some material facts have been suppressed.

4. Learned ASG submits that the representation filed by the petitioners has no statutory basis.

5. Keeping into account the facts and circumstances of the case, let respondents no.1 and 2 endeavour to dispose off the representation of the petitioner expeditiously preferably within one month from today. The petitioner is free to file any additional documents which he wishes to file within one week from today before respondents No.1 and 2.

6. In case any documents are filed by the petitioner a copy would be provided to learned counsel for respondent No.3.

7. With the above directions, writ petition is disposed of. All pending

applications, if any, also stand disposed of. Needless to add, in case the petitioner is not satisfied with the order passed by respondents No.1 and 2, liberty is granted to the petitioner to challenge the same, as per law.

8. This direction is being passed without prejudice to the rights and contentions of the parties.

JAYANT NATH, J.

JUNE 11, 2020/n