

S/L 24
21.04.2021
Court. No. 19
GB

C.O. 887 of 2021

AB ENZYMES OY, A FINNISH COMPANY

Vs.

Union of India & Ors.

(Through Video Conference)

Mr. Chayan Gupta.

...for the Petitioner.

This revisional application has been filed for a direction upon the Controller of Patents and Designs, Kolkata to dispose of the review application filed in connection with Patent Application No.2468/KOLNP/2011 on February 15, 2018.

It is submitted that although the said application has been filed some time back, the same has never been taken up by the learned controller and even directions of service upon the opposite parties have not been passed.

Having considered the factual matrix as stated before this Court, this Court is of the opinion that justice would be sub-served if the learned Tribunal/ Controller of Patents and Designs, Kolkata is directed to take up the application and consider and dispose of the same in accordance with law upon hearing all parties and upon allowing objections to be filed.

This Court has not gone into the merits of the maintainability of the review application and leaves all the points and questions including maintainability, open for the

learned Tribunal to decide. This order shall also not be construed to be an observation on the maintainability of the review application. The learned Tribunal shall decide the same in accordance with law.

Petitioner is directed to serve a copy of this revisional application along with a server copy of this order upon the opposite parties and/or the learned advocate who had appeared before the learned Tribunal within the course of the week. The Controller of Patents and Designs, Kolkata is requested to dispose of the said application preferably within a period of three months from the date of communication of this order.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)