

17.08.2021
Item no.98

Aloke
Ct. no.13

Through Video Conference

W.P.A. 11594 of 2021

**Kanishk Sinha
Versus
Union of India & Ors.**

Mr. Tarun Kr.Das, Advocate
Mr. Bhaskar Sengupta, Advocate
... for the petitioner
Mr. Partha Ghosh, Advocate
Mr. Brajseh Jha, Advocate
Mr. Rahul Sarkar, Advocate
... for the UOI

Petitioner was initially aggrieved by non-consideration of his application for patent by the respondents. The petitioner received a notice on 29th August, 2019 from the patent office at Salt Lake City in Kolkata. The petitioner has also filed documents before the controller of patents at the Kolkata office in Salt Lake City.

In that view of the matter, the argument of counsel for the Union as regards want of territorial jurisdiction for entertaining the writ application, is not accepted.

It is submitted that since after filing of the writ application, a notice dated 19th July, 2021 has been addressed to the petitioner to attend hearing under Section 14 of the Patents Act, 1970 at Chennai in September 2021. The meeting is to be held by Video Conference.

In that view of the matter since the petitioner is going to be heard on 15th September, 2021, the authority concerned shall take a decision in the matter within a time prescribed in the statute. The decision taken by the controller may be communicated to the petitioner within 15 days thereafter.

With the aforesaid direction, W.P.A. 11594 of 2021 is disposed of.

If the petitioner is entitled to submit of fresh documents in the course of hearing he may be permitted to do so strictly in accordance with the applicable Rules under the Patents Act, 1970.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)