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19.03.
2021
Ct. No.06

WPA 9445 of 2020

**Britannia Industries Limited
Vs
Union of India & Ors.**

**Mr. Ranjan Bachawat
Mr. Sayan Roy Choudhury
Mr. Amitava Mitra
Ms. Antara Choudhury
Mr. S. K. Das
Mr. Soumya Sen
.....For the Petitioner
Mr. Y. J. Dastoor, Ld. ASG
Mr. Aryak Dutt
Ms. Mary Datta
.....For the Union of India**

Heard learned advocates appearing for the parties.

This writ petition has been challenged against the ex parte impugned order dated 30th September, 2020 passed by the Deputy Controller of Patents & Designs dismissing review application dated 17th January, 2020 of the petitioner against the decision of refusal dated 18th November, 2019 mainly on the ground of violation of principles of natural justice by not giving opportunity of hearing to the petitioner and in this regard there is a specific averments in the writ petition at paragraph 18.

Learned advocate appearing for the respondents could not satisfy me about service of notice of hearing to the writ petitioner before passing of the aforesaid

impugned order.

Considering the submissions of the parties and on perusal of record, I am inclined to dispose of the writ petition by setting aside the impugned order dated 30th September, 2020 being annexure 'P-22' to the writ petition with a direction upon the Deputy Controller of Patents and Designs to pass a fresh speaking order in accordance with law after giving an opportunity of physical hearing, if possible, to the writ petitioner or the authorized representative of the writ petitioner within a period of eight weeks from the date of communication of this order and to communicate his decision to the petitioner within two weeks thereafter.

Let it be recorded that this court has not gone into the merits of the case and respondent concerned is free to decide the review application strictly in accordance with law.

With the aforesaid direction WPA 9445 of 2020 is disposed of.

(Md. Nizamuddin, J.)

