

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1831 OF 2021**

Sahil Vinay Mehra ...Petitioner
Versus
Varahi Diamonds and Finance Ltd & Ors ...Respondents

Mr Amit Jamsandekar, *with Archita Gharat, Manashree Engineer & Karishma Shirke, i/b Gordhandas & Fozdar, for the Petitioner.*
Mr Hiren Kamod, *with Vaibhav Keni, Neha Iyer, Prem Khullar & Anees Patel, i/b Legasis Partners, for the Respondents.*

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**
DATED: 29th November 2021

PC:-

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1. The challenge in this Petition is to an order dated 28th July 2020 of the Intellectual Property Appellate Board (“IPAB”). It no longer exists, being one of the Appellate Authorities that has been abolished by recent amendments. Those matters are now taken up by a learned Single Judge on the Original Side of this Court.

2. The proceeding before the IPAB was an Original Application, ORA/59/2020/PM/MUM. Mr Jamsandekar has several submissions to make in this regard including that the Petitioner (the Respondent before the IPAB) was not heard before an injunction

was granted and that in any case, the IPAB had no Original Jurisdiction.

3. It is pointed out to us by Mr Kamod that after this order, there have been several hearings all the way until 12th February 2021 or even later. These orders are not annexed to the present Petition, but we will let that pass for the moment.

4. In our view, the proper course, one that both sides now support, is that the IPAB Application itself and all other proceedings between the parties relating to the subject trademark be directed to be placed before the learned Single Judge to whom the Intellectual Property matters are assigned. We request the learned single Judge to list these matters at an early date for directions when a schedule for an early hearing can be fixed.

5. As to the question of the records from the IPAB, these will have to be put together in a compilation for the learned Single Judge of this Court and according to his directions.

6. It goes without saying that the record to be placed before the learned Single Judge will need to be certified by Advocates for both sides as a true copy of the record before IPAB.

7. With these directions and with this request, we dispose of this Petition. All contentions are expressly kept open.

8. List the ORA along with all pending Interim Applications before the learned Single Judge of this Court at his convenience.
9. Mr Kamod's attorneys will file their vakalatnama on behalf of Respondents Nos. 1 and 2 in the course of a week.
10. We make it clear that we have not interfered with the IPAB order.
11. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)