

**MAT 669 of 2022
With
CAN 1 of 2022**

**Kanishk Sinha & Anr.
Vs.
Union of India & Anr.**

Mr. Kanishk Sinha
Ms. Lipika Das Sinha

... .. appellants-in-person

Mr. Partha Ghosh
Mr. Rahul Sarkar
Ms. Dipika Sarkar
Mr. Siddhart Srivastava

... .. for the Union of India

This appeal is at the instance of the writ petitioners/appellants questioning the order of the learned Single Judge dated 27.04.2022, whereby WPA 17414 of 2021 has been dismissed.

The record reflects that the appellants had approached the Writ Court, aggrieved with the order dated 11.10.2021 passed by the respondents rejecting representations/supplementary representations dated 16.04.2021 and 16.06.2021 refusing to grant linkage to the petitioners' software with the IT based vehicle registration and homologation system, namely, "VAHAN".

The learned Single Judge has examined the issue in detail and by the impugned order has rejected the writ petition.

At this stage, submission of the appellants is that in terms of sub-section 3 of Section 102 of the Patents Act 1970, the appellants are entitled to the compensation and this issue was raised by the appellants in the written

submissions which were filed before the respondent no.2. But, the issue has not been gone into.

If the appellants are seeking compensation or any relief in terms of sub-section 3 of Section 102 of the Act, then it needs to be examined by the concerned authority and a decision is required to be taken on such a prayer in accordance with law.

At this stage no other issue has been raised by the appellants before this Court.

Hence, we dispose of the present appeal granting liberty to the appellants to approach the competent authority with a prayer for granting the compensation in terms of sub-section 3 of Section 102 of the Act and if such a representation is filed by the appellants, the same will be considered and due decision in accordance with law will be taken by the competent authority as expeditiously as possible, preferably within a period of two months from the date of receipt of the representation.

We make it clear that we have not expressed any opinion on the merits of the matter on the issue.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)