

OD-23

ORDER SHEET

AID/1/2022
IA NO: GA/1/2022

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AUCKLAND UNISERVICES LTD
VS
THE CONTROLLER OF PATENT AND DESIGNS AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 16th February, 2022

(Via Video Conference)

Appearance:

Mr. Abhrajit Mitra, Sr. Adv.

Ms. Rajshree Kajaria, Adv.

Mr. Debashish Banerjee, Adv.

Mr. Rudraman Bhattacharyya, Adv.

Mr. Akash Munshi, Adv.

Re. GA/1/2022:-

The Court: Heard Mr. Abhrajit Mitra, Senior Advocate appearing on behalf of the petitioner.

I find that sufficient reasons have been indicated for the delay and, accordingly, the delay is condoned.

The appeal is to be taken on record and heard out.

The application being GA/1/2022 is disposed of.

Re. AID/1/2022:-

On consent of the parties, the appeal is taken up for hearing.

The order that is assailed in appeal is an order passed ex parte for the reason that none had appeared on behalf of the petitioner company. In my view, one more opportunity should have been given by the Assistant Controller of Patents and Designs, Patent Office, Kolkata to the petitioner.

In light of the same, the appeal is allowed and the authority concerned is directed to hear the matter upon granting seven days notice to the petitioner.

I make it clear that the authority shall not grant adjournment to the petitioner for any reason. I also make it clear that the petitioner shall file necessary Form-13 within seven days from date.

(SHEKHAR B. SARAF, J.)