

ORDER SHEET
TMA/2/2021
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

BARCLAYS BANK PLC
Versus
MR. JEEVAN KUMAR, SENIOR EXAMINER OF TRADE MARK AND ANR.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 28th February, 2022.

(Via Video Conference)

Appearance:
Mr. Debnath Ghosh, Adv.
Mr. Sudhakar Prasad, Adv.
Mr. B. Banerjee, Adv.
Mr. Pradipta Bose, Adv.
...for the appellant

Mr. Rudraman Bhattacharya, Adv.
Ms. Anamika Pandey, Adv.
...for the respondents

The Court: This is an appeal filed against an order passed by the learned Senior Examiner of Trade Marks in relation to an application for registration of a Trade Mark.

Upon perusal of the order dated January 15, 2019 and the grounds provided thereafter by an order dated November 2, 2020, I am of the view that the orders passed are not speaking orders and have not properly dealt with the grounds raised by the petitioner. Mr. Ghosh relies on the judgment of the Bombay High Court passed by Justice G.S. Patel in Commercial Appeal (L)

No.18137 of 2021 and Commercial Appeal (L) No.18138 of 2021 (Metso Outotec Corporation vs. Registrar of Trade Marks) to buttress his arguments.

I do agree that brevity is required, however, complete lack of reasons upon which the authority has based the order cannot be accepted by this Court.

In light of the same, the order is quashed and set aside.

I make it clear that all points shall be kept open before the authority. The authority is directed to grant a fresh hearing to the petitioner and thereafter pass a reasoned order in terms of Section 18(5) of the Trade Marks Act, 1999 within a period of eight weeks from date.

Accordingly, TMA/2/2021 is disposed of.

(SHEKHAR B. SARAF, J.)