

OD 16

ORDER SHEET
AID/12/2022
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
ORIGINAL SIDE

THE GENERAL HOSPITAL CORPORATION AND ANR.
VS
THE CONTROLLER OF PATENTS AND DESIGNS AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date: 14th December, 2022.

Appearance:
Mr. Debashish Banerjee, Adv.
Ms. Rajshree Kajaria, Adv.
Mr. Uttam Sharma, Adv.
...for the Appellants

Mr. Indrajeet Dasgupta, Adv.
...for the respondents

The Court: This appeal is directed against an order dated June 22, 2021 passed under Section 15 of The Patents Act, 1970.

By the impugned order, the Controller has dismissed the application for grant of patent filed by the appellant being Patent Application No. 3174/KOLNP/2012.

The respondent authorities are represented. It is submitted on behalf of the respondent authorities that they have no objection if the impugned order is set aside and the matter remanded for hearing afresh to the Controller of Patents being the respondent no.1 herein.

In view of the submissions made on behalf of the respondent authorities, the impugned order dated June 22, 2021 is set aside by consent of the parties.

The respondent no.1 is directed to consider afresh the application filed by the appellant and dispose of the same within a period of three months after giving a right of hearing to the appellant.

The Controller shall also take into consideration the Affidavit dated 18th January, 2022 being Annexure –‘S’ to the petition relied on by the appellant at the time of consideration of the matter afresh.

With the aforesaid directions, AID/12/2022 stands allowed.

(RAVI KRISHAN KAPUR, J.)