

Item No.223
21.09.2023
Court. No. 19
GB

C.O. 3086 of 2023

Shah Mayankkumar Bharatkumar
Vs.
Controller of Patents and Designs & Anr.

Mr. Siddhartha Das,
Mr. Shouvik Kundu,
Ms. S. Mitra

...for the Petitioner.

Being aggrieved by and dissatisfied with the inordinate delay in disposal of the opposition filed by the opposite party no.2 against the Registered Design bearing no.304927 in Class 06-03, the petitioner has preferred this revisional application for a direction upon the Controller of Patents and Designs, The patent office, Kolkata to conclude the proceeding expeditiously.

According to the petitioner, the said opposition is otherwise ready for hearing and is pending since March 22, 2022. It is further submitted that evidence was closed on the said date.

The petitioner is also aggrieved as no notice of hearing of the opposition proceedings, has yet been issued.

As this is simpliciter a prayer for expeditious disposal of the opposition proceedings, the Court is of the view that both the petitioner and the opposite parties shall be benefited if the proceedings are disposed of within a short period. Thus, notice of this application need not be served prior to disposal of the same.

The revisional application is disposed of directing the Controller of Patents and Designs, who has the powers of the civil court in terms of the Designs Act, 2000 and discharges quasi judicial functions, to conclude the opposition proceedings within a period of two months from date of communication of this order, upon granting opportunity to all the parties including the opposite party no.2 to contest the said proceedings.

This Court has not gone into the merits of the claims and counter-claims of the parties. The proceedings shall be disposed of on the basis of the records, the law and the arguments to be advanced by the parties.

The Controller of Patents and Designs is directed to act on the basis of a server copy of this order.

A copy of the revisional application along with a copy of this order be served upon the opposite parties.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)