

March 01, 2023
ARDR
(261)

WPA 25775 of 2022

Gunjan Sinha @ Kanishk Sinha
Vs.
The State of West Bengal & ors.

Mr. Gunjan Sinha @ Kanishk Sinha,
...petitioner in person.

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondents despite service.

It is contended on behalf of the petitioner that despite an order of injunction granted by the civil Court in Title Suit no. 27 of 2018 restraining the respondent from repeating any infringement of the plaintiff's (petitioner herein) patent and from registration of battery operated eco-friendly e-rickshaws till disposal of the suit, which was modified to the extent that the respondent authorities are at liberty to register battery operated eco-friendly e-rickshaws in the name of the assignees whose particulars are mentioned in the modification application, the respondents have issued the impugned order on 17th August, 2021 according sanction of registration of e-rickshaws under the commercial segment with certain stipulations. The said order is assailed in the writ petition.

It is submitted on behalf of the petitioner that an application under Order 39 Rule 2A of the Code of Civil Procedure has been filed before the civil Court which is subjudice. The petitioner has submitted a representation in this regard before the concerned authority on 30th August,

2021 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made on behalf of the petitioner and materials on record, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated 30th August, 2021 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

Since the respondents are not represented, the petitioner is directed to serve a copy of the representation along with a copy of this order upon the respondents at the earliest.

With the aforesaid directions, WPA 25775 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)