

August 1, 2024
Sl. No.11
Court No.9
s.biswas

WPA 18180 of 2024

Kanishk Sinha and another
vs.
The Union of India and others

Mr. Kanishk Sinha
Mr. Swatarup Banerjee
Mr. Rahul Sarkar
Ms. Dipika Sarkar
... petitioner in-person
... for the respondents

1. A reasoned order passed by the Under Secretary, Ministry of Roads and Highways, is under challenge. The authority has held that the petitioners are not entitled to any linkage in respect of the registration of electric vehicles. The petitioner, cannot get such linkage under the policy of the Union of India. It appears that the petitioners have already approached the civil court and obtained an order of injunction on similar issues.
2. The petitioners submit that the Union of India is not supplying the link to the petitioners, which would enable the petitioners to track the number of vehicles that are being registered by the State Government under the provisions of the Motor Vehicles Act. The registration of cars would be relevant to keep a count on the payment of royalty to the petitioners. The petitioners claim to be a patentee in respect a particular mechanism used in such electric cars.

3. The petitioners are entitled to approach the manufacturers for royalty if the companies have used the product patented to the petitioners, or take such necessary steps before the appropriate forum. Keeping a tab on the number of registration of cars, cannot be the proper method for claiming royalty.
4. The petitioner, who has already approached the suit court on a number of occasions and obtained number of orders, may also approach the suit court for reliefs as may be permissible in law. This court has not expressed any opinion on the right of the petitioner. All points are kept open for decision by the appropriate authority.
5. Accordingly, the writ petition is disposed of.
6. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)