



\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.O.(COMM.IPD-PAT) 54/2022

MR SUBRATA KUMAR BAKSI

.....Petitioner

Through: None

versus

MR MAHESH GUPTA

.....Respondent

Through: Mr. Harish Vaidyanathan Shankar,
CGSC, with Mr. Srish Kumar Mishra
and Mr. Alexander Mathai Paikaday,
Advts. (Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **21.10.2024**

1. The present petition has been filed for revocation of *Indian Patent No. 199716* under Section 64 of the Patents Act, 1970.
2. Perusal of the order sheets show that the present petition was transferred from Intellectual Property Appellate Board ("IPAB"), constituent upon promulgation of The Tribunals Reforms (Regulation and Conditions of Service) Ordinance, 2021 and after abolition of the IPAB.
3. The present petition was initially filed before the IPAB in the year 2016 and transferred to this Court in the year 2022.
4. Perusal of the order sheets show, that the petitioner has not put any appearance before this Court even once after transfer of the matter to this Court. Various efforts have been made by this Court to serve the petitioner or its agent, however, to no avail.



5. Order dated 01st March, 2023 records that the Court notice to the counsel for the petitioner has been received back un-served with the report of “left”. Order dated 01st March, 2023, reads as under:

“The court notice of the petitioner sent to his Kolkata address is still awaited. The court notice of its counsel has been received back unserved with the report of “left”.

Accordingly issue court notice to the petitioner at his Kolkata address, returnable for 17.05.2023.”

6. Vide order dated 27th July, 2023, it is recorded as under:

“The court notice sent to the petitioner at his Kolkata address is once again awaited. The court notice earlier sent to his counsel was unserved (see: order dated 01.03.2023).

Accordingly issue fresh court notice to the petitioner at his Kolkata address, through the office of the concerned District and Sessions Judge, returnable for 05.10.2023.

It is noted that the counsel for the respondent had already appeared in these proceedings on 15.11.2022, but not thereafter.”

7. Ultimately, by order dated 18th July, 2024, it has been observed as under:

“The court notice of the counsel for the petitioner was received back unserved with the report of “left”. This noting pertains to the hearing dated 25.04.2024. The court notice of the petitioner is however yet not received back. Despite repeated efforts, the court notices of the petitioner could not be served.

The respondents have already been served. (Refer: order dated 25.04.2024).

List the matter before the Hon'ble Court for further proceedings on 21.10.2024.”

8. Considering the aforesaid, it is manifest that the petitioner has not been served, despite various efforts.

9. This Court further notes that the petitioner has not taken steps to enter



appearance before this Court, despite the petition having been filed by the petitioner himself before the IPAB.

10. The petitioner having filed the present petition, ought to be aware about the proceedings before this Court, and ought to have taken steps to cause appearance on his behalf, before this Court.

11. Considering the aforesaid, it is clear that the petitioner is no longer interested in pursuing the present petition.

12. Accordingly, the present petition is dismissed in default and for non-prosecution.

MINI PUSHKARNA, J

OCTOBER 21, 2024/kr