

13-08-2025
Item No.02
Court No.41
KAUSHIK

IN THE HIGH COURT AT CALCUTTA
INTELLECTUAL PROPERTY RIGHTS DIVISION
Appellate Side

CR-IPD No.4 of 2025

(Old No. CO 1662 of 2024)

Samriddhi Agro Foods Private Limited

-VS-

**Registrar of Trade marks, Trade Mark Registry,
Kolkata & Anr.**

Mr. Siddhartha Das
Mr. Souvik Kundu
Mr. Abir Debnath

...for the petitioner

Mr. Siddhartha Lahiri
Mr. Debraj Dutta
Ms. Nivedita Mullick

...for the respondent no. 1

This revisional application is directed seeking expeditious disposal of a proceeding filed in respect of an application for trade mark bearing no. 5143852 in class 30 pending before the Registrar of Trade Mark, Trade Mark Registry, Kolkata.

It is submitted on behalf of the writ petitioner that the above proceeding has been pending for a considerable period of time and no steps are being taken to dispose of the same. On this limited ground, the jurisdiction under Article 227 of the Constitution of India is sought to be invoked.

On behalf of the statutory respondents, it is submitted that there is only one Hearing Officer at the Trade Mark Registry handling a pendency of

approximately 19,000 cases. It is also submitted that in a connected proceeding despite an order of similar nature passed by this Hon'ble Court, the petitioner is routinely adjourning that matter. In this connection, the respondent relies on an order dated 22nd March, 2025 passed in CO 492 of 2024 (Samriddhi Agro Foods Private Limited Vs. Registrar of Trade Marks, Trade Mark Registry, Kolkata).

The jurisdiction under Article 227 of the Constitution of India is to be sparingly exercised in matters where the supervisory power of the High Court is sought to be invoked to keep the subordinate Courts within the bounds of their authority. Such orders are not to be passed in a routine or casual manner. In view of the fact, that there are vacancies in the post of Hearing Officers and the huge burden of cases, there is no glaring infirmity which warrants exercise of jurisdiction under Article 227.

In view of the above, CR-IPD 4 of 2025 is dismissed.

There shall, however, be no order as to costs.

[Ravi Krishan Kapur, J.]

