

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

TEMPAPO-IPD/3/2025
IA NO: GA-COM/1/2025, GA-COM/2/2025

M/S AZIONARIA COSTRUZIONI MACCHINE
AUTOMATICHE A C M A S P A
VS
THE CONTROLLER OF PATENTS AND DESIGNS
AND ANR

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE OM NARAYAN RAI
Date : May 14, 2025.

Appearance :

Mr. Rudraman Bhattacharya, Sr. Adv.
Mr. Ritoban Sarkar, Adv.
Mr. Rachit Lakhmani, Adv.
Mr. Piyush Kumar, Adv.
Mr. Avishek Das, Adv.
...for the petitioner.

Mr. Sunil Singhania, Adv.
Ms. Priti Jain, Adv.
...for the respondents.

The Court: Re: **GA-COM No. 1 of 2025:** There is a delay of 120 days in presenting the appeal as noted by the Assistant Registrar, High Court, Original Side, Calcutta. Causes shown being sufficient, we condone the delay.

Accordingly, GA-COM No. 1 of 2025 is disposed of.

Re: **TEMPAPO-IPD No. 3 of 2025 with GA COM/2/2025:**

This appeal is directed against a judgment and order dated November 25, 2024, whereby the application for condonation of delay filed by the present appellant in connection with an appeal against an order rejecting its application for patent, has been dismissed by the learned Single Judge.

Mr. Bhattacharya, learned senior counsel appearing for the appellant says that there is an error apparent on the face of the order impugned. However, he, on instruction, prays for leave to withdraw the appeal with liberty to approach the learned Single Judge with an appropriate application.

We grant such leave. The appeal and the connected application being GA-COM No. 2 of 2025 are dismissed as withdrawn with liberty to the appellant to approach the learned Single Judge with an appropriate application, in accordance with law.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)