

OIPD-19

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Right Division)

IPDPTA/16/2025
IA NO: GA-COM/1/2025

DAIKIN INDUSTRIES LTD
VS
THE CONTROLLER GENERAL OF PATENTS
DESIGNS AND TRADE MARK (CGPDTM) AND ANR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 16th September, 2025.

Appearance:

Mr. Adarsh Ramanujan, Adv.

Mr. Sonal Mishra, Adv.

Mr. A. Mishra, Adv.

Mr. S. Das, Adv.

Ms. Y. Mookherji, Adv.

Ms. R. Manna, Adv.

Mr. K. Roy, Adv.

...for the appellant

Mr. Ram Chandra Agarwal, Adv.

Mr. Tapan Bhanja, Adv.

...for the respondents

The Court: The grievance of the appellant is directed against the order dated 1st May, 2025 pertaining to the subject application for patent titled "AIR CONDITIONING APPARATUS". Pursuant to earlier orders of Court, the Controller was directed to take instructions insofar as the alleged prior art D2 and D5 are concerned.

Significantly, the impugned order has been passed rejecting the subject application on the combination of the prior art documents D1, D2 and D5.

The Controller is represented and files a communication dated September 1, 2025 whereby the Controller has accepted that the documents designated as D5 and D2 do not constitute prior arts in this matter.

In view of the above communication, nothing survives in this appeal. The impugned order dated 26th February, 2025 stands set aside.

The matter is remanded back for hearing afresh on merits in accordance with law. It is made clear that there is no expression or adjudication on the merits of the case. The above exercise is to be completed within a period of three months from the date of passing of this order.

In view of the allegations made against the Hearing Officer who had passed the impugned order the matter be heard by a different Hearing Officer.

All connected applications also stands disposed of as infructuous.

(RAVI KRISHAN KAPUR, J.)

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