

Chaitanya

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3582 OF 2025

M/s. Nakoda Metal House

... Petitioner

Versus

The Union of India And Ors.

... Respondents

Mr. Nirmal Pagaria, for Petitioner.

Ms. S. D. Vyas, Addl.G.P a/w Mr. Aditya R. Deolekar, A.G.P,
for Respondent-State.

Ms. Sangeeta Yadav, for Respondent No.2.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 29 September 2025

PC:-

1. Heard learned counsel for the parties.
2. The impugned order dated 04 February 2021 is clearly appealable. The grounds now raised do not bring the case within the exceptions pointed out in **Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai & Ors¹**.
3. Even the arguments concerning alleged breach of natural justice would require adjudication into factual aspects. From the averments made, it does not appear to be a case of no opportunities, but the allegations is of insufficient opportunities.

¹ (1998) 8 SCC 1

4. Accordingly, we decline to entertain this Petition and leave it open to the Petitioner to avail of the alternate remedy that the law has provided.

5. We refer to our decision in the case of **Oberoi Constructions Ltd Vs Union of India & Ors²** and relying upon the reasoning therein, as also the reasoning reflected in the several precedents of the Hon'ble Supreme Court referred to therein, we decline to entertain this Petition.

6. The learned counsel for the Petitioner states that within six weeks from today, the Petitioner will institute an Appeal by complying with all legal formalities. If such Appeal is indeed instituted within six week from today, then, the Appellate Authority must consider the same on merits without adverting to the issue of limitation. In paragraph 10, the Petitioner has made a statement that this Petition was filed within the period of limitation prescribed for instituting an Appeal. The Petitioner was bona fide pursuing this Petition.

7. This Petition is disposed of with liberties in the above terms without any order for costs.

8. All contentions of all parties are explicitly left open to be decided by the Appellate Authority. All concerned to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J)

² 2024 SCC OnLine 3508