

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**IN ITS COMMERCIAL DIVISION**  
**COMMERCIAL MISCELLANEOUS PETITION NO. 38 OF 2024**

Epigeneres Biotech Private Limited ...Petitioner

Versus

Registrar Of Trade Marks, Trademark Registry ...Respondent

Ms Hema Desai a/w Mr. Siddharth Samantray i/b CSK Legal and Associates  
for Petitioner.

Mr. Mahesh Shukla a/w Mr. Niraj Prajapati for Respondent.

CORAM : ARIF S. DOCTOR, J.  
DATE : 15<sup>th</sup> DECEMBER, 2025.

**P.C.:**

1 This Court had on the previous occasion passed the following order:

1 Mr. Prajapati appeared on behalf of Respondent and has today sought time on the ground that he has only today been instructed to appear in the matter. Mr. Samantray fairly submits that he has no objection to the time being sought but invited my attention to an order dated 22<sup>nd</sup> April 2025 passed in Commercial Miscellaneous Petition No.32 of 2024, which he submits is virtually identical to the case at hand. Mr. Samantray has taken me through the order dated 22<sup>nd</sup> April 2025 to point out that this Court after noting that the impugned order was a cryptic order, in which none of the contention raised on behalf of the Petitioner had been dealt with or adverted to, this Court had remanded the matter back to the Registry of Trademarks for adjudication afresh. Mr. Samantray submits that in the present case also given that the facts were identical, the same cause of action be adopted. Since today Learned Counsel for the Respondent has no instructions, he requests the matter be taken up on 8<sup>th</sup> September 2025, on which date he shall report his instructions.

*2 Hence, stand over to 8<sup>th</sup> September 2025, High On Board."*

2 Learned Counsel on behalf of Respondent submits that he has instructions that this Court may dispose of the captioned Commercial Miscellaneous Petition in light of the order dated 22<sup>nd</sup> April 2025.

3 Hence, the impugned order is quashed and set aside. The matter is remanded to the Respondent for consideration afresh. The Petitioner is permitted to place on record supplementary reply to the examination report within three weeks from today. The Respondent shall decide the matter afresh, as expeditiously as possible and in any case, within eight weeks of this order being produced before the Respondent.

4 Commercial Miscellaneous Petition is accordingly disposed of.

**[ARIF S. DOCTOR, J.]**