

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL MISCELLANEOUS PETITION NO. 72 OF 2025

AIC246 AG And Co KG

...Petitioner

Versus

The Patent Office Of India Through

Controller General Of Patents, Designs And Trade Marks ...Respondent

Mr. Amay Nargolkar (counsel) a/w Nisha Austine and Arkadeep Kundu i/b
Khaitan & Co., for Petitioner.

Mr. Vinit Jain a/w Ashutosh Mishra and Gaurav Mhatre for Respondent Nos.1 &
2.

Mr. Rashmin Khandekar a/w Vanditta Malhotra Hegde, Anand Mohan, Rishi
Mody, Sanjana Krishnasarma and Archi Gala i/b VMH & Associates for
Respondent No.3.

CORAM : ARIF S. DOCTOR, J.

DATE : 25th NOVEMBER 2025

P.C.

1. At the outset, I must note that this Court, on 28th April 2025, noted as to
why it was essential, in the facts of the present case, for Respondent Nos.1 and 2
to file an affidavit in reply. The said order records thus.

“2. The learned counsel appearing for the petitioner has raised a specific
contention that under the scheme of the Patents Act, 1970, particularly
considering Sections 14 and 15 in Chapter IV of the said Act and Section 25
in Chapter V of the said Act, the respondent No.2 could not have refused
the patent by the impugned order without first affording a hearing to the
petitioner under Section 14 of the said Act.

3. Since the aforesaid contention raised on behalf of the petitioner 3. involves interpretation of the provisions of the said Act and the entire scheme of hearing contemplated therein, it would be necessary for respondent Nos.1 and 2 to place their reply affidavit on record.”

2. Despite this, no reply affidavit has been forthcoming from the Respondent Nos.1 and 2. This is indeed most unfortunate that despite a specific order of this Court, Respondent Nos.1 and 2 have chosen not to file any affidavit in reply. Such conduct does not behove Respondent Nos.1 and 2 and, in my view, borders on being contumacious.

3. I had made my displeasure known to learned counsel appearing on behalf of Respondent Nos.1 and 2, who then assures the Court that Respondent Nos.1 and 2 shall file a reply affidavit within a period of two weeks from today, as and by way of a last chance. Since the matter has been fixed today, I shall proceed to hear learned counsel for the petitioner.

4. Heard Mr. Nargolkar, learned counsel for Petitioner, his arguments remain incomplete.

5. Stand over to **9th December 2025** ‘first on board’.

(ARIF S. DOCTOR, J.)