

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 & Ors.

...Respondents

- Mr. Amey Nargolkar a/w Ms. Nisha Austine and Mr. Dhiren Karania i/b Khaitan & Co., for the Petitioner.
- Mr. Vinit Jain a/w Mr. Gaurav Mhatre, for Respondent No.1.
- Mr. Rashmin Khandekar a/w Rishi Mody. Mr. Anand Mohan, Ms. Sanjana Krishnasarma, Ms. Arohi Gala and Ms. Vanditta Malhotra Hegde i/b VMH and Associates, for Respondent No.3.

CORAM : MANISH PITALE, J.

DATE : 28th APRIL 2025.

P. C. :

1. The learned counsel appearing for respondent No.3 submits that reply affidavit on behalf of the said respondent is already filed. But, the record does not reflect the same. In that light, the said respondent to ensure that the reply affidavit is on record within two weeks from today.

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 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.

4. Reply affidavit on behalf of respondent Nos.1 and 2 be placed on record within four weeks from today.

5. Rejoinder affidavit, if any, be filed within two weeks thereafter.

6. List the petition for hearing on **01st July 2025, "High on Board."**

(MANISH PITALE, J.)