

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL MISCELLANEOUS PETITION NO. 66 OF 2025

Huhtamaki India Limited

...Petitioner

Versus

The Patent Office Of India Through

The Controller General Of Patents

...Respondent

Mr. Hiren Kamod a/w Mr. Janaksinh Jhala, Ms Nisha Austine, Mr. Dhiren Karania i/b Khaitan & Co. for Petitioner.

Mr. Niraj Prajapati i/b Mr. Mahesh Shukla for Respondent Nos.1 and 2.

Ms Vindhya Mani (through VC) i/b Sriram Sridharan for Respondent No.3.

CORAM : ARIF S. DOCTOR, J.

DATE : 5th DECEMBER, 2025.

P.C.

1. After the matter was virtually fully argued, and in view of the Court having indicated to learned counsel that the impugned order did not specifically deal with the findings of the Opposition Board, thereby resulting in a procedural infraction under the Patents Act, learned counsel for the parties stated that they would be agreeable to the impugned order being set aside and the Petitioner's post-grant opposition being considered afresh.

2. Accordingly, I pass the following order:

ORDER

- i) The impugned order is set aside.
- ii) The Petitioner's post-grant opposition shall be heard de novo,

commencing from the stage of appointment of the Opposition Board. The process shall preferably be completed within four months from today, subject to any administrative commitments or exigencies that may arise.

iii) For the avoidance of doubt, it is clarified that this order does not, set aside the grant of the patents in favour of the Respondent, but only directs the opposition proceedings to commence afresh.

iv) The Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]