

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

COMMERCIAL MISCELLANEOUS PETITION NO. 1 OF 2026

Neon Laboratories Limited

...Petitioner

Versus

Controller of Patents

...Respondent

Mr. Rashmin Khandekar a/w Mr. Anand Mohan, Ms. Hemlata Marathe, Ms. Annu Alexander, Mr. Vaibhav Khanna i/b Jehangir Gulabbhai and Bilimoria & Daruwalla, for the Petitioner.

Mr. Ashish Mehta, for the Respondent.

CORAM : ARIF S. DOCTOR, J.

DATE : 28th APRIL, 2026

P.C.

1. The matter was placed on board today to enable Mr. Mehta, learned counsel for the Respondent to take instructions. The fair stand has been taken by Mr. Mehta.

2. Mr. Mehta today submits that, he has instructions to submit that the impugned order can be set aside and the matter be remanded for consideration afresh. Let the matter be considered afresh, without being influenced by earlier orders passed in respect of the Patent Application, including the Impugned Order dated 18th December 2018, and keeping all contentions expressly open.

3. Mr. Khandekar, learned counsel for the Petitioner requests that since the matter is being heard afresh, the same may be heard afresh before a different Controller. Without in any manner casting any aspersion or shortcoming on the

Controller, who passed the order. Since the matter is being heard fresh, let it be heard before a fresh officer preferably within a period of four months from today subject to any exigencies.

4. The Commercial Miscellaneous Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]