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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C)-IPD 3/2026**

PIONEER PET

.....Petitioner

Through: Mr. N. Mahabir with Mr. PC Arya,
Mrs. Vijaylaxmi, Ms. Noopur Biswas, Mr. Udit
Gupta, Advocates.

versus

**CONTROLLER GENERAL OF PATENTS DESIGNS AND
TRADEMARK & ANR.**

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Mr. Shailendra Kumar Mishra, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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04.02.2026

CM 36/2026

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition is preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India laying a challenge to impugned order dated 28.04.2025 passed by learned Assistant Controller of Patents and Designs in Design No. 417361-001 and seeking a direction to Respondent No. 2 to take on record the Power of Attorney ('POA') and process the application of the Petitioner for registration.
4. Issue notice.
5. Ms. Pratima N. Lakra, learned CGSC accepts notice on behalf of the



Respondents.

6. As averred in the petition, case of the Petitioner is that on 18.05.2024, Petitioner filed Design Application bearing No. 417361-001 in the office of the Respondents. On 29.05.2024, Petitioner's counsel sent the original POA by speed post under a covering letter dated 20.05.2024 bearing Application No. 417361-001 to the office of Respondent No. 2 and requested for a hearing, if any clarification was required.

7. It is stated that on 03.06.2024, original POA was received in the office and on 19.06.2024, First Examination Report ('FER') was issued raising an objection that original POA duly attested and endorsed with design number with which the original GPA/POA was filed earlier, should be filed. Since Petitioner's counsel had already sent the original POA, no reply was filed to the FER and it was expected that the design will be registered. On 20.01.2026, Petitioner sent an e-mail reminding Respondent No. 2 of the pending application, however, Petitioner received the impugned order dated 28.04.2025 on 21.01.2026, stating that the application was deemed to have been abandoned under Section 5(4) of the Designs Act, 2000 ('2000 Act') read with Rule 21 of the Designs Rules, 2001 ('Designs Rules') on the ground that no reply was submitted in response to FER within the stipulated period i.e., upto 18.11.2024 under Rule 18(1) of Designs Rules.

8. Learned counsel for the Petitioner submits that the application for registration ought not to have been abandoned without hearing the Petitioner, more particularly, when Petitioner had sought hearing in letter dated 20.05.2024. This violates Rule 18(2) of Designs Rules, 2014 as also principles of natural justice. It is urged that the objection raised in the FER



was totally unwarranted regarding non-endorsement of the application number on the original POA since the POA was sent under a covering letter, wherein the application number was clearly mentioned. From the FER, it is evident that Respondent No. 2 had no objection to the novelty or registrability of the design on merits and hence, the objection raised was too technical and trivial to treat the application as deemed abandoned.

9. Counsel for the Respondents defends the impugned order and submits that the application number ought to have been mentioned on the POA and not on the covering letter, assuming there was any endorsement of the number on the covering letter.

10. Having heard learned counsels for the parties, I find merit in the contention of the Petitioner. Perusal of the FER shows that the only objection raised by Respondent No. 2 in the FER was that there was no endorsement of the design number in the original POA filed by the Petitioner. By the impugned order, the application has been deemed to be abandoned owing to the fact that no response was received to the FER. Petitioner takes a categorical stand in the writ petition that the POA was sent under a covering letter dated 20.05.2024, on which the design Application No. 417361-001 was endorsed. In support, Petitioner has filed copy of the POA as also the covering letter as Document No. 7. The covering letter shows that the application number is endorsed. It is only natural that when the Petitioner had endorsed the number of the application while sending the POA, Petitioner did not think it necessary to file a reply to the FER. The impugned order is passed ignoring that the POA was received with a letter endorsing the application number and the ground that no reply was received to FER is thus untenable in light of the fact that Petitioner had duly



complied with the requirement. For ready reference, scanned copy of the covering letter is placed below:-



11. Accordingly, without entering into the merits of the case, this petition is allowed, setting aside impugned order dated 28.04.2025 and directing the Respondents to process the application for registration taking into consideration the original POA and the covering letter bearing the design application number, in accordance with law.

12. Writ petition stands disposed of.

JYOTI SINGH, J

FEBRUARY 4, 2026/VP/YA