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

+ C.A.(COMM.IPD-PAT) 81/2024

GURCHARAN SINGH

.....Appellant

Through: Mr. Shashwat Parihar and Mr. Ram
Anugrah Singh, Advocates.

versus

THE CONTROLLER OF PATENTS

.....Respondent

Through: Ms. Nidhi Raman, CGSC with Mr.
Om Ram and Ms. Nikita Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.05.2026

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1. This appeal is filed on behalf of the Appellant under Section 117A of the Patents Act, 1970 ('1970 Act') challenging order dated 01.03.2024 passed by the Respondent, whereby Respondent has dismissed the review petition filed by the Appellant for review and recall of order dated 13.09.2023 by which patent application was refused.
2. Mr. Om Ram, learned counsel appearing for Ms. Nidhi Raman, CGSC at the outset, takes objection to the maintainability of this appeal on the ground that there is no challenge to the refusal order dated 13.09.2023 and order passed on a review petition under Section 77(1)(f) and (1)(g) is not appealable under Section 117A of the 1970 Act.
3. On perusal of Section 117A, this Court agrees with the preliminary objection. In fact, reading of the appeal shows that there is no challenge to the initial refusal order dated 13.09.2023 either in the body of the appeal or in the prayer clause.



4. Faced with this, learned counsel for the Appellant, on instructions, seeks to withdraw this appeal with liberty to file a fresh appeal in accordance with law laying a challenge to the refusal order dated 13.09.2023 as also order dated 01.03.2024.

5. Accordingly, this appeal is disposed of as withdrawn with no expression on the merits of the appeal, granting liberty to the Appellant to file a fresh appeal. If and when the appeal is filed, it will be open to the Appellant to claim benefit of Section 14 of the Limitation Act, 1963, considering that this appeal is pending in this Court from 2024.

JYOTI SINGH, J

MAY 19, 2026/YA