

CNR : MHPU140025392025

Trans Mech Systems



Vs.

Bhansali Agro Tech

**ORDER BELOW EXH. 19 IN CIVIL SUIT NO.1/2025**  
**(CNR NO. MHPU140025392025)**  
**(PASSED ON : 07/03/2026)**

1. This is an application filed by defendant under Section 22(4) r/w Section 19 of the Designs Act, 2000 for transfer of present suit proceeding to the Hon'ble Bombay High Court.
2. Perused the application and reply thereon as well as documents filed on record by both sides. Heard the learned counsel for both sides.
3. Ld. Counsel for the defendant submitted that defendant has filed the written statement and thereby pleaded invalidity of all five registered designs of the plaintiff on the basis of grounds specified in S.19 of the Designs Act, 2000. Moreover, he has also filed petitions before Controller of Designs, Patent Office, Kolkata for cancellation of registration of the designs of plaintiff. Therefore, as per S.22(4) of the Designs Act, 2000 this court has no jurisdiction to proceed further in the present matter and suit needs to be transferred to Hon'ble Bombay High Court for adjudication. To fortify his submissions, he relied upon following authorities :

<b>Sr.No.</b>	<b>Name of parties</b>	<b>Citations</b>
1.	Astral Polytechnik Limited Vs. Ashirvad Pipes Pvt. Ltd and ors	MANU/KA/0119/2008 (Hon'ble Karnataka High Court)

- |    |  |   |
|----|--|---|
| 2. | Escorts Construction Equipment Ltd. Vs. Gautem Engineering Co. & ors | MANU/JK/0409/2009<br>(Hon'ble Jammu and Kashmir High Court)                     |
| 3. | Essdee Industries Vs. Esbee Eelectrotech LLP                         | WRIT PETITION<br>NO.1217/2020<br>(Hon'ble Bombay High Court)                    |
| 4. | Ms Lalita Goyal Vs. Sumit Garg                                       | FAO (COMM)<br>125/2025 AND cm<br>appl. 29277/2025<br>(Hon'ble Delhi High Court) |
| 5. | Premier Elmech Systems (P) Ltd Vs. V Guard Industries (P) Ltd.       | MANU/KE/1050/2013<br>(Hon'ble Kerala High Court)                                |
| 6. | R.N.Gupta & Co. Ltd. Vs. Action Construction Equipment Ltd. & ors.   | MANU/UP/0954/2016<br>(Hon'ble Allahabad High Court)                             |
| 7. | S.D. Containers, Indore Vs. Mold-Tek Packaging Ltd.                  | MANU/SC/0907/2020<br>(Hon'ble Supreme Court)                                    |
| 8. | Tirupati Sprinklers Vs. Flexituff International Ltd.                 | MANU/RH/0541/2016<br>(Hon'ble Rajasthan High Court)                             |
| 9. | Wim Plast Ltd. and Ors Vs. Symphony Ltd. and ors.                    | MANU/GJ/0713/2016<br>(Hon'ble Gujarat High Court)                               |

4. Per contra, Ld. Counsel for the plaintiff submitted that mere filing application before Controller of Designs and raising grounds in written statement is not sufficient to transfer the suit to Hon'ble High Court. According to him, Court needs to look into substance in the pleadings of defendant regarding grounds of cancellation of registration of designs of the plaintiff by applying its mind. Moreover, present application does not have any reference about the grounds of cancellation of registration of designs of the plaintiff. Therefore, in the absence of sufficient details of those grounds in the present application,

suit cannot be transferred to Hon'ble Bombay High Court. To buttress his submissions, he relied upon authority of Hon'ble Delhi High Court in *Metro Plastics Vs. Galaxy Footware* reported in *2000(52) DRJ FB 183* and authority of Hon'ble Madras High Court in the case of *Ms. Maya Appliances Pvt. Ltd. Vs. Prithi Kitchen Appliances* reported in *AIR 2018 MADRAS 215*.

5. The present suit is instituted by the plaintiff alleging piracy of a registered designs under Section 22 of the Designs Act, 2000 and seeking injunction and damages against the defendant.

6. The defendant has appeared and filed its written statement at Exh.18. In para no.16 of the said written statement, the defendant has raised several defences as set out in S.19 of the Designs Act, 2000 thereby challenging the validity of the plaintiff's registered designs, *inter alia* contending that the designs are not new or original. Accordingly, it is contended that registration of plaintiff's designs are liable to cancellation.

7. Section 22(4) of the Designs Act, 2000 provides that where in any suit for piracy of a registered design, the defendant raises a ground on which the registration of the design may be cancelled, such suit shall be transferred by the Court in which it is pending to the High Court for decision.

8. In all the authorities cited relied upon by Ld. Counsel for both the sides, it is held that once defences as available in Section 19 of the Designs Act are taken in by the defendant in his reply, Section 22 (4) would immediately come into play and the court shall have no jurisdiction to proceed further and shall have no option but to transfer

the case to the High Court.

9. It is pertinent to note that provision of S.22(4) of the Designs Act, 2000 opens with non- obstinate clause and the word 'shall' used in the said provision mandates the District Court to transfer the matter to Hon'ble High Court in case defendant raises any ground as specified in S.19 of the said Act on which registration of design of the plaintiff may be cancelled. Therefore, going into merits of the said ground would amount to encroaching upon the jurisdiction of the Controller of Design or of Hon'ble High Court. Therefore, I am not in agreement with the submission of Ld. Counsel for the plaintiffs that Court shall record satisfaction as to the substance in the pleadings of the defendant regarding ground of cancellation of design. It is also pertinent to note that upon perusal of the written statement at Exh.18, it appears that the defendant has specifically raised grounds in accordance with S.19 of the Design Act, 2000 touching the validity of the registered designs. Moreover, it has also filed the petitions before the Competent Authority for cancellation of registration of designs of the plaintiff. As such, in view of the statutory mandate under Section 22(4) of the Designs Act, 2000, this Court does not have jurisdiction to proceed with the trial of the suit once such defence is raised. In these facts and circumstances of the case, there is no other option but only to transfer the matter to Hon'ble Bombay High Court in accordance with mandate of S.22 (4) of the said Act.

10. In view of all the aforesaid facts and circumstances of the case, application at Exh.19 deserves to be allowed and in view of mandate of Section 22(4) of the Designs Act, 2000 suit needs to be

transfer to Hon'ble Bombay High Court for its adjudication. Hence, I pass the following order :

**ORDER**

1. Application at Exh.19 is hereby allowed.
2. The present suit is transferred to Hon'ble High Court of Judicature at Bombay, Mumbai under Section 22(4) of the Designs Act, 2000 for disposal in accordance with law.
3. Bench Clerk is directed to transmit the entire record and proceedings of this suit to Hon'ble High Court of Judicature at Bombay, Mumbai forthwith.
4. Parties are directed to appear before the Hon'ble High Court of Judicature at Bombay, Mumbai on a date as may be fixed by the Registry of the said Court.
5. No order as to costs.

Baramati  
Date : 07.03.2026

**(Hitendra Urmila Anilkumar Wani)**  
District Judge-4, Baramati.  
Dist. Pune.