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IN THE HIGH COURT OF DELHI AT NEW DELHI

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C.O.(COMM.IPD-PAT) 68/2022

GSP CROP SCIENCE PRIVATE LIMITED Petitioner

Through: Mr. J. Sai Deepak, Mr. G. Nataraj,
Mr. Avinash K. Sharma, Mr. Ankur
Vyas, Mr. Shashikant Yadav and Mr.
Harshit Agarwal, Advocates.
(M:9811808373)

versus

FMC AGRO SINGAPORE PTE LTD. & ORS. Respondents

Through: Mr. Sandeep Sethi, Sr. Advocate with
Dr. Sanjay Kumar, Ms. Arpita
Sawhney, Mr. Arun Kumar Jana, Ms.
Meenal Khurana, Mr. Harshit Dixit
and Mr. Priyansh Sharma, Advocates.
(M:9810404749)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **23.09.2022**

1. This hearing has been done through hybrid mode.

I.A.15776/2022 (for exemption)

2. This is an application filed on behalf of the Petitioner seeking exemption from filing certified/ legible and true typed copies of the documents.

3. Allowed, subject to all just exceptions.

4. **I.A.15776/2022** is disposed of.

I.A. 15777/2022 (additional documents)

5. This is an application filed on behalf of the Petitioner seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015



(hereinafter, 'Commercial Courts Act'). The Petitioner, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act.

6. **I.A. 15777/2022** is disposed of.

I.A. 15778/2022 (u/S 12A)

7. This is an application filed on behalf of the Petitioner seeking exemption from instituting pre-litigation mediation. In view of the orders passed in **CS (COMM) 132/2022** titled **Upgrad Education v. Intellipaat Software**, this application is allowed. **I.A. 15778/2022** is disposed of.

I.A.15774/2022 (for stay)

8. This is an application filed on behalf of the Petitioner seeking interim injunction restraining Respondent Nos. 1 and 2 or any persons claiming to act on their behalf from threatening or approaching the Petitioner and/or its distributors, stockists, etc in order to hamper / prevent the legitimate business activity in relation to the process claimed in IN 252004.

9. The prayers in this application filed by the Petitioner are as under:

“• pass an order restraining Respondents No. 1 and 2 and/or its sister companies, their employees, directors, agents, and/or any and all persons claiming to act on their behalf from threatening or approaching the Applicant and/or its distributors, stockists, any and all retailers selling or offering for sale/distributing and/or in order to hamper and/or prevent the legitimate business activity in relation to process claimed in IN'004;

• pass an order of interim injunction directing the Respondents No. 1 and 2, their licensees, employees, Directors, managers, agents, distributors, representatives, and any and all persons acting for or on their behalf from making any representations,



directly or indirectly, in writing or by any means, with the state of central Governmental authorities tasked with participation in the regulatory approval processes for agrochemicals, particularly pesticides and insecticides, under the Insecticides Act, with reference to the Petitioner or its applications for approval to manufacture, sell, distribute, Chlorantraniliprole and Chlorantraniliprole containing formulations;

• an order of interim injunction directing the Respondents No.1 & 2, their licensees, employees, Directors, managers, agents, distributors, representatives, and any and all persons acting for or on their behalf from making any representations, directly or indirectly, in writing or by any means, with potential customers, dealers, distributors, stockists and in the market generally with reference to the Petitioner or its applications for approval to manufacture, sell, distribute, Chlorantraniliprole and Chlorantraniliprole containing formulations;”

10. Considering the nature of the matter and the fact that the invalidity of the patent in question is currently been considered by this Court along with the prayer for interim injunction filed by the Respondents herein, the Respondents shall stand restrained from contacting the distributors/stockists/retailers or regulatory authorities in order to create any hindrance in the business of the Petitioner in relation to the process claimed in IN 252004.

11. No further orders are called for in this application.

12. Accordingly, **I.A.15774/2022** is disposed of.

C.O. (COMM.IPD-PAT) 68/2022 & I.A. 15775/2022 (for discovery)

13. **I.A. 15775/2022** is an application filed on behalf of the Petitioner for



discovery of certain documents pertaining to the validity of IN 252004.

14. Issue notice in the main petition seeking revocation of the suit patent and in the application for discovery. Notice is accepted.

15. Let the reply be filed within 2 weeks. Rejoinder thereto, if any, be filed within 2 weeks thereafter.

16. List on 9th November, 2022 along with **CS (COMM) 662/2022**.

PRATHIBA M. SINGH, J.

SEPTEMBER 23, 2022/dk/kt