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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.O.(COMM.IPD-PAT) 68/2022, I.A. 48929/2024 & I.A. 49004/2024

GSP CROP SCIENCE PRIVATE LIMITEDPetitioner
Through: Mr. Rahul Bhujbal, Advocate.
versus

FMC AGRO SINGAPORE PTE LTD & ORS.Respondents
Through: Mr. George Vithyathil, Advocate for
R-1 and 2.

(7)
+ CS(COMM) 662/2022, I.A. 15629/2022, I.A. 15630/2022 & I.A.
17626/2022

FMC CORPORATION & ORS.Plaintiffs
Through: Mr. George Vithyathil, Advocate for
R-1 and 2.
versus

GSP CROP SCIENCE PRIVATE LIMITEDDefendant
Through: Mr. Rahul Bhujbal, Advocate.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
24.03.2026

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1. Learned counsel for the petitioner/defendant submits that the learned Division Bench in an appeal bearing *LPA 129/2025* titled "*Boehringer Ingelheim Pharma GMBH and CO KG vs. The Controller of Patents & Anr*" in which the following two questions were raised i.e. (A) *Whether a revocation petition, under Section 64 of the Patents Act, 1970, can be instituted or can survive after the petitioner has pleaded invalidity of the patent, of which revocation is being sought, as a defence under Section 107(1) of the Patents Act, in a suit instituted by the patentee against it?* and; (B) *Whether a revocation petition can be instituted or can continue after the patent, of which*



revocation is being sought, has expired? ”, and have been answered in para 90 of the said judgment as under:

“90. We therefore, agree with the learned Single Judge on both the issues framed by him. More particularly, we hold that

(i) a revocation petition would be maintainable, and would continue to survive, even after the patent of which revocation is sought expires by efflux of time, and

(ii) a revocation petition can be instituted even after a Section 107 invalidity defence is taken in the infringement suit.”

2. Mr. Rahul Bhujbal, learned counsel states that notwithstanding the aforesaid judgment, the petitioner/defendant is willing to amicably resolve the disputes with the respondents/plaintiffs. Learned counsel for the respondents/plaintiffs has no objection in case the parties initiate settlement talks.

3. Accordingly, list on 08.07.2026.

TUSHAR RAO GEDELA, J

MARCH 24, 2026

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