

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL MISCELLANEOUS PETITION NO. 101 OF 2025

Haresh Mehta

... Petitioner

Vs.

Deputy Controller of Patents & Anr.

... Respondents

Mr. Alankar Kirpekar a/w Neha Chandrashekhar and Ritik Gupta i/b Suverna Joshi for Petitioner.

Mr. Y. R. Mishra a/w Ms. Naveena Kumai & Mr. Upendra Lokegaonkar for Respondents.

CORAM : ARIF S. DOCTOR, JJ.

DATE : 26th AUGUST 2025

P.C.

1. The matter was today stood over under the caption for directions, at the request of learned counsel appearing on behalf of the respondents, to enable him to take instructions on the matter.

2. Today, learned counsel appearing on behalf of the respondent has submitted that he has obtained instructions which records that the submissions of petitioner were heard and considered through advocate, and therefore, Section 132 of the Patents Act was completely complied with.

3. Mr. Kirpekar vehemently disputes this by inviting my attention to the impugned order and particularly the following :

“6. Analysis, reasons and decision.

a. Hearing itself was invalid as agent who attended hearing when her name was removed from the Register of Patent Agents.

Hearing submissions dated 23/07/2021, 26/07/2021 are not valid as agent who had filed hearing submissions when her name was removed from the Register of Patent Agents.

Without prejudice to above facts I am going to give reasons.”

4. It is the submission of learned counsel that the Deputy Controller of Patents and Designs could not have after observing the above gone on to dispose of the application by recording reasons. It is his submission that the petitioners application could never have been finally adjudicated upon on/or without prejudice basis, by the Officers.

5. Stand over to **16th September 2025** at 1.00 p.m. ‘for hearing’.

6. Both advocate are directed to file their respective list of dates as also brief submissions in support of the various contentions along with the compilation of relevant cases.

(ARIF S. DOCTOR, J.)