

IN THE HIGH COURT AT CALCUTTA  
INTELLECTUAL PROPERTY RIGHTS DIVISION

ORIGINAL SIDE

IPDCR/12/2022

RAJKUMAR AGGARWAL, PROPRIETOR OF M/S.PETRO

PRODUCT(TP/30/2020/CR/EZ)

VS

NAND KISHORE BHIMSARIYA AND ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 25<sup>th</sup> March, 2026.

APPEARANCE:

Mr. Sayantan Basu, Sr. Adv.Mr. Tanmoy Roy, Adv.Mr. Koushik Mukherjee, Adv.

For Applicant

Mr. Sunil Kr. Singhanian, Adv.Mr. Asit De, Adv.

For respondent no.2

THE COURT: This is an application for rectification of the registration granted to respondent no.1. The applicant claims that the applicant is a prior registered holder of the copyright which is still in subsistence. During the pendency of such registered copyright the application for registration made by the respondent no.1 has been allowed. The registrar of copyright is respondent no.2. The respondent no.2 says that under the existing provisions of law there is no requirement of the registrar informing the applicant about an application

which may infringe the rights of the applicant. It was the obligation of the respondent no.1 to provide the names of those who will be affected by grant of the registration. The respondent no.2 relies upon Form XIV to be filled up by the applicant in terms of Rule XVIII of the Copyright Rules 2013 (wrongly typed as 2012 in the application Form) while making the application for registration. The respondent no.2 has in this regard relied upon a single Bench judgment of Delhi High Court passed on 8<sup>th</sup> September, 2025 in C.O.(COMM.IPD-CR) 843/2022 (M/s. New Bharat Overseas Vs. M/s. Bhagwati Lacto Vegetarian Exports Pvt Ltd And Ors.).

The issue in the instant case is, however, not identical.

In the instant case, the applicant holds a registration of the copyright much prior to the application having been made by the respondent no.1 on the basis whereof registration had been granted. If the applicant is a registered owner of the copyright, the registration details ought to have been in the data base of the registrar(respondent no.2). Assuming without admitting that the respondent no.1 was obliged under the statute to provide the particulars of the applicant and having mischievously not done so, the second line of check guard in view of the applicant holding a registered copyright should have been a notice issued by the registrar(respondent no.2). Admittedly, no such notice was issued prior to grant of such registration. The respondent no.1 is not appearing despite service.

In the aforesaid facts and circumstances, only for the ends of justice, I direct the applicant and the respondent no.2 to serve a fresh notice to the

respondent no.1 informing them that this matter will appear in the monthly list of April 2026.

It is made clear that in the event the respondent no.1 remains unrepresented on the next date despite service, the matter will be taken up in its absence.

(ARINDAM MUKHERJEE, J.)

Sb/