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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.A.(COMM.IPD-PAT) 471/2022**

SYNGENTA LIMITED Appellant

Through: Mr. Pravin Anand, Adv.

versus

CONTROLLER OF PATENTS AND DESIGNS.... Respondent

Through: Mr. Sushil Kumar Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER(ORAL)

17.10.2023

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1. The impugned order dated 11 October 2017 rejects the Divisional Application No. 7059/DELNP/2011 dated 15 September 2011, enumerating from parent Application No. 6114/DELNP/2005 dated 28 December 2005 for a product “Agrochemical concentrate comprising an adjuvant and a hydrotrope” on the ground that the claims in the Parent Application did not contain any claim relating to plurality of distinct inventions. As such, on the ground that the claims in the Divisional Application travel beyond the claims in the Parent Application, the Divisional Application was rejected.

2. By judgment dated 13 October 2023, whereby the Division Bench of this Court has decided an issue referred by me, as I found myself unable to agree with the view expressed by a coordinate Bench in ***Boehringer Ingelheim International GMBH v. The Controller of***



Patents¹, the Division Bench has held that the requirement of “plurality of inventions would have to be tested based upon the disclosure made in either the provisional or complete specifications”.

3. In that view of the matter, Mr. Pandey, learned Counsel for the respondent- Controller of Patents and Designs acknowledges that this matter would have to be remanded to the competent officer in the office of Controller of Patents and Designs to reconsider the appellant’s Divisional Application No. 7059/DELNP/2011 dated 15 September 2011 anew, in the light of the judgment dated 13 October 2023 passed by the Division Bench of this Court in the present case.

4. Accordingly, the impugned order is quashed and set aside. Divisional Application No. 7059/DELNP/2011 dated 15 September 2011 is remanded to the concerned officer in the office of the Controller General of Patents and Designs for *de novo* consideration in view of the observations and findings contained in the judgment dated 13 October 2023 passed by the Division Bench of this Court in the present case.

5. This appeal stands allowed accordingly.

6. The concerned officer is requested to reconsider the matter within one month and take a decision after hearing the parties, for which purpose, the appellant may appear before the concerned officer on 26 October 2023.

¹ 2022 SCC OnLine Del 3777



2023:DHC:7865



7. Let a copy of this order be provided *dasti* to learned Counsel for both sides.

C.HARI SHANKAR, J

OCTOBER 17, 2023

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Click here to check corrigendum, if any