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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMMERCIAL MISCELLANEOUS PETITION NO.145 OF 2025
WITH
INTERIM APPLICATION NO. 3417 OF 2026
IN
COMMERCIAL MISCELLANEOUS PETITION NO. 145 OF 2025**

Ashit Padhya

...Petitioner

VersusAssistant Controller of Patents And Designs Mum-
bai

...Respondents

Mr. Vighnesh Kamat, *a/w Parag M. More, Advocate, Prabhakar M. Jadhav, & Ajit A. Kadam, for Petitioner.*

Ms. Shyamli Gadare, *a/w Ashuthosh Misra, for Respondent No.1.*

Mr. Anand Mohan i/b Mr. Ayush A. Gunderia, *for Respondent No.2.*

CORAM: SOMASEKHAR SUNDARESAN, J.**DATE: JULY 30, 2026****ORDER :**

1. This matter has been heard on two occasions and based on a suggestion that fell from the Petitioner which appears to be reasonable, the Advocates for the Controller of Patents were asked to take instructions. The proposal is that since reliance had been placed on a YouTube video as a prior art document which was disclosed for the first time when passing the order of revocation,

and since the breach of natural justice arising from the non-provision of such video has been acknowledged in the impugned order passed in the review jurisdiction, further reliance on more such videos is inexplicable. Therefore, it was suggested that all the videos be placed before the Opposition Board to examine the same and give its recommendations in accordance with the procedure applicable to post-grant opposition proceedings. This has been accepted by the Controller of Patents and conveyed to the Court through the advocates on record.

2. Based on the recommendations of the Opposition Board, the Controller of Patents would consider such recommendations and hear the parties afresh and pass a fresh order in accordance with law. It is made clear that any and every piece of material that the Controller's Office desires to rely upon shall be furnished to the Petitioner and also placed before the Opposition Board so that the submissions and views on such material of all parties including the Controller of Patents are presented to the Opposition Board, which shall take an independent view on the same and make its recommendations.

3. In view of the proceedings having been considered twice by the same Controller, in the facts of this case, it is made clear that upon the recommendations of the Opposition Board being received, the matter would be placed before a different competent authority in the Controller's Office,

who shall conduct the post-grant opposition proceedings uninfluenced by all that has transpired so far.

4. Needless to state, the other Respondents in this Petition, who were the original Applicants in the post-grant opposition, shall also be heard by the Opposition Board and the Controller after the recommendations of the Opposition Board are received.

5. It is clarified that in view of the foregoing, the status of the patent would be that of a patent that has been granted but which is subject to pending opposition proceedings.

6. It is made clear that the other Respondents in this Petition, who were the original Opponents in the matter, too may address the Opposition Board on the contents of the YouTube videos and such other additional materials as may be presented, which must be connected to the YouTube videos in question, including the source to which the content of the YouTube videos belongs.

7. With the aforesaid directions, the Petition is finally ***disposed of***. The Impugned Order is set aside by way of remand in the aforesaid terms. The scope of remand having been set out above, the same shall be strictly adhered to in accordance with law.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]