

**BEFORE THE PLANT VARIETIES REGISTRY
AT NEW DELHI**

In the matter of: Opposition filed by M/s Nuziveedu Seeds against

1. Application No. N66/ GH49/ 08/ 275 - C5096 - filed by MAHYCO.
2. Application No. N30/ GH5/ 08/ 230 - MRC 7017 - filed by MAHYCO
3. Application No. N32/GH07/ 08/ 232 - MRC 7031 - filed by MAHYCO
4. Application No. N55/ GH36/ 08/ 262 - MRC 6029 Bt- filed by MAHYCO
5. Application No. N105/ GH112/ 08/ 362 - MRC 7045 BG II - filed by MAHYCO
6. Application No. N35/ GH10/ 08/ 235 - MRC 7929 BG II- filed by MAHYCO
7. Application No. N29/ GH02/ 08/ 227 - MRC 7347 BG II - filed by MAHYCO

In the matter of:

M/s Nuziveedu Seeds Private LTD

.....Opponent

-Versus-

M/s Maharashtra Hybrid Seeds Company Limited

.....Applicant

For the Opponent: Sh. Abhishek Saket, Advocate for Opponent.

For the Applicant: Dr. Malathi Lakshmikumaran, Attorney for Applicant.

ORDER

A common order passed in all these matters at the issue involved is same.
The issue involved in all these matters are squarely covered by the judgment of Hon'ble High Court of Delhi in the *Pioneer Overseas Corporation v. Chairperson Protection of Plant Varieties Rights* {by order dated 1st July, 2019 in W.P.(C)

6470/2013 & W.P.(C) 6208/2014} and NUZIVEEDU SEEDS PVT. LTD vs. THE



PROTECTION OF PLANT VARIETY AND FARMERS RIGHTS AUTHORITY AND ORS, {By order dated 23rd November, 2023 in W.P. (C) Nos. 4312/ 2014 W.P.(C)-IPD 8/2022, W.P.(C)-IPD 9/2022, W.P.(C)-IPD 10/2022, W.P.(C)-IPD 4/2023 }.

The latter judgment is between the same parties with respect to other Applications.

In all these applications which are the subject matter of oppositions, DUS testing U/s 19 read with rule 29 of PPVFR Rules 2003, has been conducted subsequent to the advertisement of these applications U/s 21 of PPV&FR Act, 2001.

The Hon'ble High Court of Delhi in the said matters have categorically held that if DUS testing is conducted post advertisement, advertisement is liable to the set aside.


Accordingly, the advertisement published in all these applications stands cancelled by virtue of the said decision of the Hon'ble High Court of Delhi.

I hereby direct the registry to process the DUS test results of the applications which are the subject matter of Oppositions and thereafter re-advertise the same in Plant variety Journal in accordance with law.

There shall be no order as to costs.

Given under my hand and seal on this 04th day of October, 2024.




(D.K. AGARWAL)
REGISTRAR-GENERAL