

**BEFORE THE PROTECTION OF PLANT VARIETIES
AND FARMERS' RIGHTS AUTHORITY
AT NEW DELHI**

Rev.Appln. No. 1 of 2022

IN THE MATTER OF: PV-5 filed by Revocation Applicant for seeking extension of time for two months for filing of Reply to PV-16 filed by Registered Breeder in Revocation Application filed by Seed Association of Bengal to revoke the Registration Certificate 51 of 2018 denominated as PAN-804 registered rice variety registered in favour of M/s. Pan Seeds Pvt. Ltd., (Registered Breeder).

IN THE MATTER OF: -

SEED ASSOCIATION OF BENGAL

..... Revocation Applicant

-Versus-

M/S. PAN SEEDS PVT. LTD.,

..... Registered Breeder

For the Revocation Applicant: Ms. Neeti Wilson, Advocate for M/s. Anand and Anand.

For Registered Breeder: Mr. Abhishek Saket, Advocate for M/s. Infini Juridique.

ORDER

Heard the parties on 14th November, 2022 through video conferencing.



By this order I shall dispose of the PV-5 (Petition for extension of time for two months for filing of Reply to PV-16) filed by the Revocation Applicant. The Parties are referred to in the nomenclature as in the Revocation Application.

The facts of the case are as follows: -

The facts of the case are that the Revocation Applicant filed an application to revoke the registration of rice variety denominated as PAN 804 and registered in favour of Registered Breeder. The Authority issued O-8 that is forwarded the Revocation Application vide letter No. PPV&FRA/Legal/04/2021/2025 dated 3rd February, 2022. The Revocation Applicant filed their PV-16 within the specified. The said PV-16 was forwarded to the Revocation Applicant vide this Authority letter No. PPVFRA/Legal/04/2021/1243 dated 14th July, 2022. The same was received by the Revocation Applicant on 16th July, 2022 and accordingly under Rule 53(3) of PPVFR Rules, 2003 the Revocation Applicant had to file their Reply to PV-16 within three months from the date of receipt of PV-16 which in the instant case is 16th July, 2022 and accordingly the Reply to PV-16 has to be filed by 16th October, 2022 (since, 16th October, 2022 is a Sunday it is taken as 17th October, 2022). The fees for instant PV-5 has been deposited by the Revocation Applicant on 14th October, 2022 praying for two months to file reply to PV-16.

The case of the Revocation Applicant is that further time is required to prepare and submit the Reply to PV-16. The additional time is also needed due to the time required by the Attorney to coordinate with the Revocation Applicant based in Kolkata and difficulty in availability of management members of the Revocation Applicant at present time. Also, the Attorney of Revocation



Applicant was not available in office due to unavoidable reasons and hence the coordination was further delayed. The extension of time is fair and with sufficient cause as the Revocation Applicant is an association and actions of an association cannot be taken immediately by any individual. The additional time is also sought in view of the fact that the Registered Breeder has taken the matter to the District Court in Burdwan and has made unfair allegations against a member of the Revocation Applicant in said proceeding with allegedly incorrect and misleading interpretation. An ex-parte order has also been obtained by the Registered Breeder on 21st September, 2022 with respect to PAN 804. The Revocation Applicant member's local advocate is reviewing the matter, which is submitted as under progress. The Revocation Applicant sought to bring out the facts of said related proceedings in the rejoinder and hence additional time is required. The Authority has the discretion to provide extensions to the set deadlines as well which is fair and just in case of sufficient cause. The Authority is therefore requested to kindly provide two months upto December, 16 2022 to file the reply to PV-16. Accordingly, it has been prayed to extend the time for filing of reply to PV-16 by the Revocation Applicant from 16th October, 2022 to 16th December, 2022.

The Registered Breeder opposed the grant of extension of time.

Having heard the parties and gone through the records meticulously, the only issue that has to be considered is whether sufficient cause has been shown for extension of time for filing of Reply to PV-16 by two months that is from 16th October, 2022 to 16th December, 2022. It is well settled that sufficient cause has to be construed liberally. The reason shown by the Revocation Applicant that a suit has been filed against a member of Revocation Applicant



in Burdwan District Court and it has to be examined is sufficient in nature. I accept the cause shown by the Revocation Applicant in this regard as sufficient. No prejudice would be caused to the Registered Breeder by allowing the instant PV-5 as the Registered Breeder is already enjoying the registration of the variety which is the subject matter of revocation. On the other hand if the PV-5 is disallowed then the Revocation Applicant would be put to great loss as being unable to substantiate their Revocation Application on the above grounds, I allow the instant PV-5.

Accordingly, the instant PV-5 filed by the Revocation Applicant is allowed subject to payment filing of amended para 4 of PV-5 incorporating the details of the order in the suit along with a copy of the order on or before 21st October, 2022 and in such case the time for filing of Reply to PV-16 under Rule 53(3) of PPVFR Rules, 2003 is extended from 17th October, 2022 (since, 16th October, 2022 is a Sunday it is taken as 17th October, 2022) to 19th December, 2022 (since 17th December, 2022 and 18th December, 2022 are Saturday and Sunday respectively)

There shall be no order as to costs.

Given under my hand and seal on this the 14th day of November, 2022

K. Vinod Prabh

(K.V. Prabhu)
Chairperson

