

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

**IN THE MATTER OF: - APPLICATION UNDER SECTION 24 (5) IN
RELATION TO PROTECTION OF RICE VARIETY PAN 845 - A.
NO. REG/2023/0058 AGAINST CHAITANYA SEEDS PRIVATE LTD
VARIETY- EARLY SONA.**

M/S. PAN SEEDS PRIVATE LIMITED.,

..... Applicant

-Versus-

M/S. CHAITANYA SEEDS PRIVATE LIMITED.,

..... Respondent

For Applicant: Sh. Abhishek Saket, Advocate, M/s. Infini Juridique.

ORDER

On 11th March, 2026, the Applicant was heard on admission of the matter.

The case of the Applicant is hereunder:

1. On 29th May, 2023, the Applicant under Section 14 of the PPVFR Act, 2001, applied for registration of their inbred rice variety PAN 845 under New Variety Category vide Reg No.REG/2023/0058 dated 30th May, 2023.
2. The Applicant has filed the instant application under Section 24(5) of the PPVFR Act, 2001 claiming for provisional protection on the ground that the Respondent by marketing EARLY SONA variety which is identical to Applicant's variety PAN 845 and thereby abusing the interest of Applicant's Variety PAN 845.
3. The case of the Applicant states that after a huge investment of money and manpower, the Applicants have developed a high



quality rice variety PAN-845. The Applicant further states that ever since its release in the market on 17th October, 2022, the Applicant's variety PAN 845 has become a popular variety and is in high demand from the farmers. The Applicant came to know from the market sources and farmers that the Respondent has been marketing, distributing and selling the infringing variety by using the trade mark EARLY SONA while representing to farmers and distributors that it is a substitute for PAN 845 and will have the same phenotypic characters.

4. The Applicant states that soon thereafter, they purchased the infringing variety EARLY SONA from the market and requested GUBBA to conduct DNA fingerprinting test. The said test report was provided by GUBBA on 10th January, 2025 which confirmed that the two varieties were identical. The said test report concludes that three paddy varieties PAN 845, EARLY SONA and JK 220 were screened for 64 SSR markers and the investigation reveals that all the three varieties are showing similar banding pattern with all the markers. So the report concludes that all the three varieties are similar. The Applicant also further states that they further carried out the DUS test at their own facility for essential characters and additional characters. The Applicant contends that the DUS test conducted by the Applicant established that EARLY SONA was a replica of PAN-845 with all 62 DUS characters being identical. Thereafter the Applicant states that they called the Director of the Respondent and informed him of the abusive act. However the Respondent continued to act in an illegal manner selling the infringing variety by using trade mark EARLY SONA. The Applicant issued a legal cease and desist notice to the Respondent with a caution not to indulge in an abusive act as well as an act which may amount to infringement of the Applicant's variety PAN-845. The Respondent vide their reply to the legal notice of the Applicant dated 13th November, 2025 replied that in the earlier instances also they received two baseless legal notices from the Applicant in 2018 and 2019 each



alleging without any substantiating evidence that Respondent's seed varieties infringed upon those of the Applicant. It is further stated in the said reply notice that the Applicant failed to furnish credible proof to support their claims. The Respondent in the said reply legal notice further states that date of filing in PPVFR Authority is recorded as 30th May, 2023 but by this time the Respondent's variety was already well-established in the marked and had gained recognition including in the state of West Bengal. The Respondent accordingly states that the Applicant must drop their cease and desist notice. The Applicant states that they have found even in November 2025, Respondent was selling/ marketing and distributing the infringing variety EARLY SONA. The Applicants have annexed by way of Annexure-I the receipt of sale dated 9th November, 2025.

5. Accordingly, the Applicant prays for an appointment of a local commissioner to visit the facilities of Respondent and to cease their books of accounts and direct the Respondent to deposit Rs.50,00,000/- (Rupees Fifty Lakhs only) as security to protect the interest of the Applicant and to conduct DUS test at the relevant DUS test centres for PAN 845 and EARLY SONA together in order to determine the nature of similarity and identity and provide the report to the Registry based on which the final order to be passed. The main prayer of the Applicant is to restrain the Respondent from indulging in production, selling or distributing PAN-845 by using the name EARLY SONA or any other name and also to direct the Respondent to give an account of quantities of the Seeds produced for sale and also to direct the Respondent to immediately stop illegal use of Applicant's Parental line in the development of EARLY SONA and pass an order for damages upon ascertaining the profits made by the Respondent from assessment of books of accounts.

The above petition and submissions of the Applicant were considered. At this stage since the case is to be admitted for hearing, only thing that could be examined is whether the Applicant has made out a *prima*



facie case. Certain deficiencies have been observed in making out a *prima facie* case.

Accordingly, the Applicant is directed to provide the following:

- a) volume and value of sale of Applicant's and Respondent's variety not provided,
- b) Seed packet of Respondent purchased vide receipt dated 9.11.2025 annexed as Annexure-I to the petition be deposited. Further irrespective of the same, the Applicant must submit a fresh seed packet of Respondent's variety EARLY SONA along with invoice and the seed so submitted will be immediately forwarded by Registry to the National Gene Bank for storage.
- c) The Applicant must submit the translated copy of Annexure-I that is the copy of receipt dated 9.11.2025 in accordance with Rule 9 of PPVFR Rules, 2003.

The Applicant is to comply the above within 30 days from the date of issue of this order.

Post this matter for compliance on 27th November, 2026 at 04:00 PM

Given under my hand and seal on this 22nd day of October, 2026.



(D K AGARWAL)
REGISTRAR GENERAL