

BEFORE THE PLANT VARIETIES REGISTRY
AT NEW DELHI

Oppn. No. 5,6,7,8 & 9 of 2024

In the matter of: PV-5 filed by Opponent for seeking extension of time for filing of Final Oppositions and Evidences in Oppositions filed by M/s Nuziveedu Seeds against

1. Application No. E196-GH1-08-226 -Cotton - MRC 7351 - filed by Mahyco Private Limited.
2. Application No. N145-GH177-08-535 -Cotton-MRC 7383 - filed by Mahyco Private Limited.
3. Application No. E205-GH33-08-259 -Cotton-MRC 6918 Bt - filed by Mahyco Private Limited.
4. Application No. E198-GH4-08-229 -Cotton-MRC 7301- filed by Mahyco Private Limited.
5. Application No. E206-GH37-08-263 -Cotton-MRC 6322 Bt- filed by Mahyco Private Limited.

In the matter of:

M/s Nuziveedu Seeds Private Ltd.

.....Opponent

-Versus-

M/s Maharashtra Hybrid Seeds Company Limited

.....Applicant

For the Opponent: Sh. K. V. Girish Chowdary, Advocate
for Opponent.



**For the Applicant: Dr. Malathi Lakshmikumar,
Attorney for Applicant.**

ORDER

(Matter heard online)

The issue involved and time line are same in all these matters accordingly a common order is being passed at this stage. By this order I shall dispose of five PV-5 forms filed by Opponent for extension of time for filing of taking on record the Evidence filed by the Opponent with a delay of 3 days and also the five PV-5 forms filed by the Applicant in these matters for taking on record their evidence.

The facts of the case are that the Opponent was to file their evidence on or before 4th March, 2025 in pursuance of the order dated 27th February, 2025 passed by Registry in this matter. But the Opponents filed the same on 7th March, 2025 with a delay of 3 days on the ground that the evidence was dispatched by them on 4th March, 2025 which was received and filed on 7th March, 2025.

The Counsel for Applicant opposed the PV-5 filed by the Opponent on the ground that this is not a case of time extension as mentioned in Rule 32 but it is a case of condonation of delay which is not covered under Rule 32.

I do not agree with this argument. There is no difference between condonation of delay in taking a document on record and extension of time for filing a document. In the former case, a document is filed



belatedly and time extension is sought and in case of time extension for filing a document the same is sought with or without filing the document. Hence, both are the cases of time extension only. In my opinion the Opponent has shown sufficient cause and in the interest of justice it is a fit case to extend the time by 3 days to take on record the evidence filed by the Opponent on payment of reasonable costs.

The Counsel for Applicant has also filed a PV-5 to take on record the evidence filed by them. Actually the same has been filed pre-maturely and there is no case of delay on their part. In fact, the time for filing the Applicant's evidence runs from the date of receipt of Opponent's evidence from the Registry under Rule 33(2) of PPVFR Rules, 2003. Accordingly, the PV-5 filed by the Applicant in all these matters is closed.

I hereby take the evidence of the Opponent on record by extending the time for filing of the same from 5th March, 2025 to 7th March, 2025 and accordingly the evidence filed by Opponent on 7th March, 2025 is taken on record subject to the payment of costs of Rs.3000/- (Rupees Three Thousand only) in each of the oppositions totaling to Rs.15,000/- (Rupees Fifteen Thousand Only) in all the matters to National Gene Fund. The payment details would be forwarded to Counsel for Opponent. The payment of costs should be done on or before 2nd March, 2026 failing which the evidence filed by the Opponent will



not be taken on record in all the matters. No further time extension will be granted for payment of costs.

Both the PV-5s filed by Applicant and Opponent are disposed of accordingly.

Given under my hand and seal on this 19th day of February, 2026.



(D.K. AGARWAL)
REGISTRAR GENERAL