

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

**IN THE MATTER OF: Notice of Opposition (PV-3)
filed by Nuziveedu Seeds Pvt. Ltd., against
registration of Application No. N-6-GH-6-11-175-
REG/2011/175 for varietal denomination MRC 7385
filed by Maharashtra Hybrid Seeds Co., Ltd.,**

**For the Opponent: Mr. Abhishekh Saket, and Mr.
Chitral Gambhir Advocates for M/s. Infini
Juridique.**

**For the Applicant: Mr. Anil Dutt, and Ms.Gunjan
Hans Advocates for M/s. Lakshmikumaran &
Sridharan.**

ORDER

The opponent has inspected the file in pursuance of the PV-33 filed by them and they have filed a fresh PV-33 to obtain certified copies of application file relating to registration of MRC 7385 which is the subject matter of opposition. In the previous order dated 2nd May, 2019 it was directed that the Registry will dispose of the PV-33 within a week.

Accordingly, thereafter through e mail the Counsel for opponent has submitted that the documents must be provided without insistence of any payment of fees. In this regard he has cited the decision of this Registry and the decision of the Hon'ble Delhi High Court in WP No.8431/2011.

At the outset the request for counsel of Opponent cannot be accepted in this regard. The fees

for certified copies are prescribed in Sl. No.33 of Second Schedule of PPV&FR Rules, 2003. The prescribed fee is Rs.500/- per page. The said judgement of the Hon'ble High Court of Delhi deals with the furnishing of certified copies for filing an opposition but the fees was not an issue in that case and accordingly, the same is not applicable to the instant case. The other order cited by counsel for opponent namely order dated 23rd October, 2018 of this Registry passed in the matter relating to identical similarity between KMH-25-K-55 and P 3436 is also not applicable in the instant case. As in that case, it was decided that copies of the DUS test results of another variety would be furnished free of cost to the applicant in that case since, the Registry has raised an objection against the registration of the applicant's variety on the ground that it was identically similar with other variety. In such matters though Registry is adjudicating the matter it also acts as a party to the proceedings in taking a stand and objection against a party. In cases where Registry is taking a stand and an objection and as well as adjudicates the disputes then in such cases the copies ought to be furnished at free of cost because Registry is relying on certain documents against registration of an applicant's variety which is not in the possession of applicant. But here in the instant case, Registry is adjudicating an opposition against the registration of a variety filed by an opponent against the registration of applicant's

variety. Here it is essentially a dispute between two parties and the parties have to prove their case by relying on documents which is their duty to obtain in a due manner. Accordingly based on the aforesaid reasonings, I have to hold that the opponent is bound to pay fees for obtaining certified copies of the documents.

Accordingly, two weeks time is granted to the opponent to deposit fees for PV-33. Thereafter Registry will dispose of the same within a week. Post this matter on 3rd June, 2019 (Monday) at 15:00 hrs.

Given under my hand and seal on this the 2nd day of May, 2019.

Sd/-
(R.C.AGRAWAL)
REGISTRAR-GENERAL