

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

A No. 2 of 2009

IN THE MATTER OF: - Petition under Section 24(5) of
PPV&FR Act, 2001 filed by Nuziveedu Seeds Pvt. against
MAHYCO.

IN THE MATTER OF: -

Nuziveedu Seeds Pvt. Ltd.,

.....APPLICANT

-Versus-

MAHYCO,

....RESPONDENT

For the Applicant: - Mr. Abhishek Saket, M/s. Infini
Juridique

For the Respondent:- Mr. Prasanth Pakkidey and Ms. Shivi
Sethi, M/s. Luthra and Luthra

ORDER

The counsel for Applicant contended that these matters may be taken up for hearing after the disposal of CA No.19653 & 19654/2017. Per contra the counsel for Respondent objected to the same stating that there is a stay restoring Section 24(5) of the PPV&FR Act, 2001 and hence the matter can be proceed further.

In fact there is a stay in the said appeals restoring Section 24(5) of PPV&FR Act, 2001. There is no legal bar in hearing applications under Section 24(5) and it is also needless to say that all the decisions of this Registry in Section 24(5) applications shall be subject to the outcome of

CA Nos.19653 & 19654/2017 pending on the file of Hon'ble Supreme Court of India.

The counsel for applicant vehemently objected that no time shall be granted for filing the reply. The counsel for respondent stated that the Section 24(5) itself was stuck down by Hon'ble Delhi High Court and later restored by stay order of Hon'ble Supreme Court.

Accordingly time for filing reply to the Respondent is granted upto 27th February, 2019.

The matter is posted for hearing on 11th March, 2019 at 15:00 hrs.

Given under my hand and seal on 5th day of February, 2015.

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