

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

**IN THE MATTER OF: Opposition filed by M/s Nuziveedu Seeds
against registration of**

- 1. Application No. E198/ GH4/ 08/ 229 - MRC 7301 BG-II -
filed by MAHYCO.**
- 2. Application No. E196/ GH1/ 08/ 226 - MRC 7351 BG-II -
filed by MAHYCO.**
- 3. Application No. E145/ GH176/ 08/ 535 - MRC 7383 BG-II
- filed by MAHYCO.**
- 4. Application No. E205/ GH33/ 08/ 259 - MRC 6918 Bt -
filed by MAHYCO.**

AND

**IN THE MATTER OF: PV-5 filed by Applicant seeking time
extension for two months for filing of their evidence.**

**For the Opponent: Mr. Abhishek Saket Advocate for M/s. Infini
Juridique.**

**For the Applicant: Ms. Gunjan Hans and Ms. Sutapa Jana
Advocates for M/s. Lakshmikumaran & Sridharan**

ORDER

A common order is passed since the issue involved at this
stage is common.

The applicant has filed a PV-5 (Petition to extend the time for
filing their evidence) seeking two months time for filing their
evidence.

The case of the applicant is that by order dated 22.02.2019 in these matters the Opponent should have filed their final opposition and evidence by 25.03.2019 but the same has been filed only on 28.03.2019 and the copy of the same was received by the applicant on 27.03.2019. The applicant is requesting for time extension on the ground that the Opponent has filed voluminous document and the Applicant would require some more time to peruse and verify the same and prepare the evidence. The applicant may be required to inspect the files of NC-1051 along with their respective status and DUS trials. Some grounds taken by the applicant has added volume to pleadings. The applicant has been burdened by the act of Opponent and accordingly would require some more time to prepare its evidence. Accordingly, time of two months may be granted for filing of evidence and reply to final opposition.

The counsel for opponent objected to the same. He stated that already the documents and points raised are in the possession of the Applicants already. There is no delay in filing of the final opposition and evidence as they have dispatched them through speed post on 25.03.2019.

Based on the arguments of the parties and pleadings filed in this regard, I am of the firm view that there is no delay in filing of final opposition and evidence by the Opponent as they have dispatched the same on 25th March, 2019 to this office. The Applicants have received the same on 26th March, 2019. Regarding PV-5 filed by the applicant seeking two months time extension for filing of evidence Applicant has shown sufficient cause to extend the time for filing of evidence by two months. Sufficient Cause shown

in a Petition for Time extension of evidence ought to be construed liberally. Time extension for filing of evidence ought to be followed by payment of costs.

Accordingly, the PV-5 filed by the Applicant seeking time extension of two months for filing of their evidence is allowed subject to the condition of payment of costs of Rs.5,000/- for each of the Oppositions to National Gene Bank within two weeks from the date of receipt of this order. Consequently, applicant can file their evidence by 26th June, 2019. The applicants should serve an advance copy to the opponent before filing the same in the Registry. The date of final hearing will be informed to the parties separately.

Given under my hand and seal on this the 13th day of May, 2019.

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