

**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. N66/ GH49/ 08/ 275 - C5096 - filed by MAHYCO.
2. Application No. N64/ GH47/ 08/ 273 - C5195 - filed by MAHYCO
3. Application No. N55/ GH36/ 08/ 262 - MRC 6029 Bt - filed by MAHYCO
4. Application No. N105/ GH112/ 08/ 362 - MRC 7045 BG II - filed by MAHYCO
5. Application No. N29/ GH2/ 08/ 227 - MRC 7347 BG II - filed by MAHYCO
6. Application No. N35/ GH10/ 08/ 235 - MRC 7929 BG II- filed by MAHYCO
7. Application No. N77/ GH64/ 08/ 295 - 4206336B - filed by BHARTI SEEDS
8. Application No. N30/ GH05/ 08/ 230 - MRC 7017 - filed by MAHYCO
9. Application No. E206/GH37/08/263-MRC 6322 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: Sh. Mohammad Yunus, Advocate for M/s.
Infini Juridique.**

**For the Applicant: Sh. Anil Dutt and Ms. Vindhya. S. Mani
Advocates for M/s. Lakshmikumaran & Sridharan**

ORDER

A common order is passed in these matters since the issues involved at this stage are 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 they received the final opposition and evidence on 13.05.2019 and the applicant under Rule 33(2) of PPV&FR Rules, 2003 was bound to file their evidence by 12.06.2019. The applicant states that the Opponent has filed voluminous documents and the applicant would require some time to peruse and verify the same and prepare its evidence. Further the Opponent has filed new pleadings in Final Opposition following the amended opposition allowed by the Registrar, subject to costs vide order dated 23.05.2014. Many grounds raised by the Opponent in the final opposition as also in the evidence are formal and hyper technical in nature and relate to the standard procedure adopted by the Authority. The said issues are the prerogative of the Authority and have been found to be in order by the Authority. Further the averments made by the Opponent in this regard are mere conjectures and prima facie frivolous. The Applicant has been further burdened by this act of the Opponent and would require some more time to prepare its evidence. The present extension of time is sought in the interest of justice for bonafide reasons. In the absence of the complete evidence of the opponent, which has not been made available in the present case, it would not be possible for the Applicant to file its evidence.

The counsel for opponent objected to the same. He stated that time extension is not necessary in the instant matter.

Based on the arguments of the parties and pleadings filed in this regard, I am of the firm view that 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 Applicants 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/- (Rupees Five Thousand Only) 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 12th August, 2019 (and if 12th August, 2019 is declared as public holiday then evidence can be filed by 13th August, 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 31st day of July, 2019.

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