08.10.2026
Court No.32
DL/Item No.–**5**

pp.

IN THE HIGH COURT AT CALCUTTA
Intellectual Property Rights Division
Constitutional writ Jurisdiction
Appellate Side

WPA-IPD 3 of 2026

Mr. Abdul Nazer
versus
The Controller of Patents & Designs

Ms. Swarupa Ghosh,
Ms. Madhumita Patra
....for the petitioner.

Ms. Sumita Sarkar,
Ms. Akshita Nath
....for the respondent.

The petitioner's application for registration of its design was allowed and the design "package for food" was registered on 24th July, 2014 as Design No.260874-001 under Class 09-05. This registration was also initially for ten years which can be extended for another period of five years. The petitioner did not apply for extension prior to expiry of the 10 years period, and as such, had to file a restoration application on 24th November, 2025 along with requisite fees for restoring the registered design for a further period of five years.

It is the case of the petitioner that this application has been kept pending by the office of the Controller, Designs and Patents. The petitioner, therefore, seeks a mandamus directing the restoration application to be allowed.

The authority under the Designs Act, 2000 is empowered to consider the application for restoration filed by the petitioner, and if the same is found to be

allowed, can restore the registration of the petitioner's design. The restoration application is required to be dealt with on a time frame manner as required by the Designs Rules, 2001, as amended.

It is the case of the petitioner that despite passage of time as specified under the said Rules, the restoration application has not been considered and disposed of.

In the aforesaid facts and circumstances, the concerned Controller/Deputy Controller/Assistant Controller before whom the petitioner's restoration application is presently pending shall decide the same by giving the petitioner a hearing as prescribed under law as expeditiously as possible, but not beyond 31st December, 2026.

Nothing further remains in this writ petition to be considered.

The writ petition is accordingly disposed of.

All parties including the Controller shall act on the basis of a server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)