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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010155452026**

\+ W.P.(C)-IPD 17/2026 & CM 99/2026

PANACEA BIOTEC LIMITED .....Petitioner

Through: Ms. Swathi Sukumar, Senior Advocate with Mr. Dominic Alvares, Mr. Afzal B. Khan and Ms. Manya Jain, Advocates.

versus

THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS & ORS. .....Respondents

Through: Mr. R. Venkat Prabhat, SPC with Ms. Kamna Behrani and Mr. Ansh Kalra, Advocate for R-1 and 2.

Mr. C.M. Lall, Senior Advocate with Ms. Vrinda Pathak, Ms. Mrinalini Goyat and Ms. Sandhya, Advocates for R-4.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 18.09.2026

1. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India for quashing impugned order dated 13.02.2026 passed by Respondent No. 2 in respect of Patent No. 272351 as also for a writ of mandamus directing the Respondents No.1 and 2 to allow Petitioner's request dated 04.10.2024 for withdrawal of Form-13 dated 17.05.2019 and proceed with the pending oppositions under Section 25(2) of The Patents Act, 1970 ('1970 Act'), basis the unamended granted claims.

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2. Without prejudice to the rights and contentions of the respective parties and without entering into the merits of the case as also leaving the question of law open as to whether the Controller can permit withdrawal of post-grant amendment application after the same has been published and post-grant opposition has been instituted, this writ petition is allowed, permitting the writ petitioner to withdraw the application filed by the Petitioner for amendment of the claims under Section 57 of the 1970 Act vide Form-13 on 17.05.2019.

3. Learned Controller is directed to consider and decide the pending post-grant oppositions as also pending applications, if any, as expeditiously as possible but not later than nine weeks from today. It is made clear that this order is passed in the facts and circumstances of this case and will not be treated as a precedent in any other case.

4. Writ petition is disposed of in the aforesaid terms along with the pending application.

JYOTI SINGH, J

SEPTEMBER 18, 2026/HS

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