

**BEFORE THE PROTECTION OF PLANT VARIETIES
AND FARMERS' RIGHTS AUTHORITY
AT NEW DELHI**

IN THE MATTER OF: PV-5 filed by Applicant for seeking extension of time for filing PV-16 - Notice of Opposition to Oppose the Revocation of Certificate of Registration of Plant Variety in Revocation filed by Sh. Ramakent Bajrang Yadav., against registration of NMK-1 (Golden) of Custard Apple Variety having Registration No.163/2019.

IN THE MATTER OF:

RAMAKENT BAJRANG YADAV

....REVOCATION APPLICANT

-VERSUS-

NAVNATH MALHARI KASPATE

...REGISTERED BREEDER

For the Revocation Applicant: Sh. Prashant S. Kenjale, Advocate along with Revocation Applicant.

For the Registered Breeder: Sh.Khandelwal, Advocate along with Registered Breeder.

ORDER

Heard the parties on 8th July, 2021.

Sh. Khandelwal, Counsel for Registered Breeder undertakes to file PV-1 on behalf of the Registered Breeder.

He may file the same within ten days from the date of receipt of this order.

By this order I shall dispose of the PV-5 filed by Registered Breeder seeking one month time for filing PV-

16.



The Revocation Applicant has filed the Revocation Application against the Registration of NMK-1 (Golden) Custard Apple Variety registered in favour of the Registered Breeder. The said Revocation Application was forwarded vide O-8 dated 19th March, 2021 to the Registered Breeder. The Registered Breeder received the same on 31.03.2021 as per tracking records. Accordingly, as per Rule 53(2)(a) the Form PV-16 has to be filed by Registered Breeder within three months from the date of receipt of O-8. Accordingly, three months from the date of receipt of O-8 (31.3.2021) falls on 30.06.2021. On 17.06.2021, the Registered Breeder filed the instant PV-5 seeking one month extension to file PV-16.

The Registered Breeder has stated that due to threat of new COVID-19 virus DELTA PLUS the authorities have imposed strict restrictions and they have to collect requisite and important papers and revenue record and it is difficult for them to collect all relevant papers from, concerned authority and submit the reply within the stipulated time. Accordingly PV-5 be allowed.

The Counsel for Revocation Applicant very fairly submitted that he has no objection in allowing the PV-5 but he insisted that the reply must be filed within one month.

I have examined the PV-5 and after hearing the parties I am of the view that in the interest of justice the PV-5 ought to be allowed. I have to take judicial notice of the difficulties created by the COVID-19 pandemic. No prejudice would be caused to the other side by granting the



time extension. By virtue of Public Notice No. 12 of 2021, the pleadings in the said proceedings which were due to be filed during the period of lockdown from 15.03.2020 to 30.06.2021 have to be filed by 15th July, 2021.

Accordingly, PV-5 filed by the Registered Breeder is allowed and time for filing PV-16 is extended for a period of one month from 15th July, 2021 (time granted by Public Notice No.12 of 2021) till 16th August, 2021 (since, 15th August, 2021 (Sunday) is a Gazetted holiday). The Registered Breeder can file his PV-16 on or before 16th August, 2021 (Monday). PV-1 be filed by Counsel for Registered Breeder by 19th July, 2021 (Monday). There shall be no order as to costs.

Given under my hand and seal on this the 8th day of July, 2021.

K. Vinod Prabh

(K.V. PRABHU)
CHAIRPERSON

