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

+ W.P.(C) 4430/2020 & CM APPL. 15955/2020

INDIAN DRUG MANUFACTURERS

ASSOCIATION

... Petitioner

Through Mr.J. Sai Deepak, Mr.Guru Nataraj
and Mr. Avinash K.Sharma, Advs.

versus

UNION OF INDIA & ANR.

... Respondent

Through Mr.Chetan Sharma, ASG with
Mr.Harish Vaidyanath Shankar,
CGSC and Mr.Varun Kishore, Adv.
for UOI/R-1

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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30.07.2020

This hearing is conducted through video conferencing.

1. This writ petition was filed seeking the following reliefs:

“(i) Issue a Writ of Mandamus or any other suitable Writ, Order or Direction in the nature of Mandamus directing the Respondent No. 1 to select and appoint a Technical Member-Patents who is qualified as per the provisions of The Patents Act, 1970;

(ii) Issue a Writ of Prohibition or any other suitable Writ, Order or Direction in the nature of Prohibition directing the Respondent No. 2 to cease holding hearings and issuing decisions, interim or final, in respect of patent related matters till such time as a Technical Member-Patents is appointed as per the provisions of The Patents Act, 1970;

(iii) Issue a Writ of Quo Warranto or any other suitable Writ, Order or Direction in the nature of Quo Warranto directing the Respondents to show the authority as per law on the basis of which hearings are being scheduled and held by Respondent No. 2 and/or decisions/orders of interim or final nature being

issued without a duly qualified Technical Member-Patents possessing the qualifications prescribed under The Patents Act, 1970 and/or without the requisite quorum and in violation of the provisions of law governing the functioning of the Respondent No. 2 in respect of patent matters;”

2. Essentially, the main grievance of the petitioner was that a technical member (patents) who is qualified in the Patents Act has not been appointed to the IPAB for quite some time.
3. The respondent has placed on record a notification issued on 21.07.2020 appointing Shri Birendra Prasad Singh, Joint Controller of Patents and Design as a Technical Member (patents), IPAB.
4. Learned counsel for the petitioner however submits that the member has still not joined and the IPAB continues to function without a technical member.
5. In my opinion, in view of the fact that the appointment has been notified on 21.07.2020, the incumbent would obviously join shortly.
6. Nothing further survives in this petition. The petition is disposed of accordingly. All pending applications, if any, be also disposed of accordingly.

JAYANT NATH, J.

JULY 30, 2020/st