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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	PRONOUNCED ON
04.08.2026	16.10.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMA(PT) No. 62 of 2024

Aventose Energy Private Limited,
Rep., by its Director,
Ms.Gayatri Soni,
Having its Registered address at
C-33, Arihant Amara, 49,
Poonamallee High Road,
Chennai – 600 056

..Petitioner(s)

Vs

The Assistant Controller of Patents & Designs,
Patent Office Chennai,
Boudhik Sampada Bhawan,
G.S.T.Road, Guindy,
Chennai – 600 032.

..Respondent(s)

PRAYER:- Civil Miscellaneous Appeal filed under Section 117A of the Patents Act, 1970 against the refusal order dated 20.10.2023 (hereinafter "impugned order") of Patent Application No.202141019671, titled "SYSTEM AND METHOD FOR OPERATING AUTOMOBILES WITH AN ELECTRIC DRIVETRAIN" (hereinafter "Patent Application"), on the file of the Controller of Patents, Indian Patent Office, passed by the learned Assistant Controller of Patents & Designs, Mr.Dilip Dandotiya, the respondent herein (hereinafter "Controller").

For Petitioner(s): Mr.S.Eshwar
For Respondent(s): Mr.Sanjay SPCGSC
for Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India

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JUDGMENT

The present Appeal has been filed seeking to allow the present appeal by setting aside the impugned order of the respondent dated 20.10.2023 and to grant a patent on Indian Patent Application No.202141019671.

2. Heard Mr.S.Eshwar, learned counsel appearing for the appellant and Mr.Sanjay learned Senior Panel Counsel appearing for Mr.R.Rajesh Vivekananthan, learned Deputy Solicitor General of India appearing for the respondent.

3.The learned counsel appearing for the appellant would submit that a patent application in respect of a system and method for operating auto mobiles with an electric drive train by activating the safe mode operation in case of vehicle fault detection was made with the respondent. He would submit that the system had been configured to detect a pre-defined set of events to activate the safe mode operation for the protection of the passengers as well as the vehicle. A First Examination Report (hereinafter referred to as 'FER')was originally given wherein the novelty of the applicant's invention was accepted but however, under the impugned order, the appellant had given a finding that the invention lacks novelty. Had the respondent indicated that the invention lacked novelty, the appellant would have made his statement supporting the claim for

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novelty which could have been considered. Hence, sufficient opportunity had not been provided to the appellant to substantiate his claim with regard to novelty, however behind its back under the impugned order contrary to the factual aspect in the FER, the invention had been held to be without novelty.

4. He would further submit that the respondent had confused the principles of novelty and inventive step without appreciating the inventive steps in coming to a conclusion that there are no inventive steps in the claim made by the appellant. He would further submit that in rejecting the application by applying Section 2(1)(ja) of the Patents Act, the respondent had held that the claimed invention was not inventive in view of the prior cited documents D1 to D4, without analysing the claim made by the appellant vis-a-vis the said cited documents. The issue of novelty the Authority had admittedly indicated that D2 is considered to be the closest prior art for the claim made by the applicant. Hence, the findings and reasoning with regard to lack of invention itself is contrary to the finding given by the Authority.

5. He would further submit that the various claims that had been made by the appellant vis-a-vis the prior cited document D2, when juxtaposed would clearly indicate that many of the claims made by the appellant is not even available in the prior art D2 or the claims of D2 are wholly different from the claim made by the appellant. He would further submit that the Authority except

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for extracting the claim in brief and the prior cited document without assigning any reasons in an arbitrary manner had held that the proposed invention only contains all the technical features of prior cited D2 document coupled with common general knowledge. Not only the respondent had given the details of the technical feature but also have failed to indicate what common general knowledge was prevailing prior to the application that had been filed by the appellant.

6. He would further draw attention to the finding given by the respondent that in spite of the appellant pressing the Authority to address the other requirements, he had not been given a chance. Hence, he prays this Court to interfere with the order and grant the patent.

7. Countering his arguments, the learned Standing Counsel appearing on behalf of the respondent would submit that the Authority under the impugned order comparing the claims made by the appellant with that of the prior cited document D2 had come to a reasonable conclusion that the claim made by the appellant is not inventive as the features alleging the invention was already available in the prior cited D2 document. He would further submit that a common general knowledge is explicit under D2, hence, the invention of the appellant is neither novel nor inventive which would fall within the realm of Section 2(1)(j) of the Act.

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8. He would submit that the findings and reasonings given by the respondent at any stretch of imagination cannot be termed to be an arbitrary exercise of power which requires interference by this Court. Hence, he prays this Court to dismiss the Appeal.

9. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

10. The appellant's invention relates to an automobile with an electric drivetrain which activates and operates with safe mode in case of detection of vehicle fault affecting the performance of the automobile. The same had been rejected by relying upon cited documents under D1 to D4 under the impugned order, as it lacks inventive step and novelty apart from being within the realm of common general knowledge.

11. A perusal of the impugned order would indicate that the claim of invention was held to be not inventive, particularly in reference to prior art under the cited documents in D1 to D4. However the findings and reasonings do not disclose a reference to prior cited D1 document, but only a comparison with prior cited documents D2 to D4 had been made. D3 relates to an invention of a fault diagnosis during discharging of the power storage system to prevent

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the wastage of power and does not relate to the primary object of the invention namely the safe mode operation of the vehicle on the move when a defect in the vehicle is noticed by the system and D3 only relates to the diagnosis of an electric component in the case where the vehicle and the external power supply can be electrically coupled by operating the coupling unit. This itself is the understanding of D3 by the authority.

12. As regards prior cited document D2, the authority itself has recorded that it operates a non safe system which operates on a predefined set of events. An analysis of D2 as recorded by the authority would discloses that it determines the vehicle system status is within a safe operating range that had been already pre-determined in the system, whereas under the claim for invention as claimed by the appellant, if the safe mode operation detects a failure in the vehicle system itself during its operation.

13. The reference made with regard to D4 as conceptualized by the respondent would itself indicate that it only discloses a concept of range extension of the electrical vehicle which do not have any relationship or any similarity with the claim for invention made by the appellant.

14. That apart, prior cited document D2 had only been primordially considered by the authority to be the closest prior art for the claim made by the

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appellant and having given such a finding, no reasons have been attributed as to why there was a consideration of prior art documents D1, D3 & D4. The prior art document under D2, which had been placed on record before this Court on a thorough perusal would also indicate that D2 discloses only determination of a vehicle system status as to whether the same is within the safe operating range as per the pre-determined system, whereas the claim made by the appellant, the presence of user controller module to extend the operating range of the electric vehicle preventing the rider from being stranded. This had been conceptually avoided to be noticed by the respondent.

15. For the aforesaid reasons, this Court is of the view that the only closest or prior art document D2 also cannot help the respondent to reject the patent of the appellant.

16. For the foregoing reasons, the Appeal is allowed and the impugned stands set aside. As a sequel, the respondent is directed to grant and approve the patent of the appellant and pass appropriate orders in accordance with law. However, there shall be no order as to costs.

16-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The Assistant Controller of Patents & Designs,
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