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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.08.2026

PRONOUNCED ON : 16.10.2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.M.A.(PT) No.63 of 2024

1.Alstom Transport Technologies,
Rep., by its Power of Attorney,
Mr.R.R.Nair,
48 Rue Albert Dhalenne, 93400 Saint-Quen,
Nation ality; France.

2.Universitat Politecnica De Catalunya
C/Jordi Girona, 31, Barcelona 08034,
Spain, Nationality: Spain.

..Appellants

Vs

Controller of Patents and Designs,
Government of India,
Patent Office,
Intellectual Property Rights Building,
GST Road, Guindy,
Chennai-600 032.

..Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 117A of the Patents Act, as amended by the Tribunals Performs Act, 2021 against the order dated 21.12.2022, passed by the Assistant Controller of Patents and Designs under Section 15 of the Patents Act, 1970 in 3835/CHE/2012.

For Appellants: Ms.Tharika Sai S. Mohan
for M/s.BFS Legal

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For Respondent(s): Mr.J.Madanagopal Rao
SPCGSC

JUDGMENT

The present civil miscellaneous appeal has been filed challenging the order dated 21.12.2022, passed by the Assistant Controller of Patents and Designs under Section 15 of the Patents Act, 1970 in 3835/CHE/2012.

2. Heard the learned counsel appearing on either side.

3. Ms.Tharika Sai S. Mohan, learned counsel appearing for the appellants would submit that none of the cited documents relate to the invention that had been sought to be patented. She would submit that invention of the appellants relates to a vehicle air conditioning system, which comprises a refrigeration circuit for circulation of refrigerant. However, the cited documents never relate to the claim made under the intervention. She would further submit that a bald finding had been given that a person skilled in the art has arrived at a suggestion as claimed by the appellants without even discussing as to how such a finding had been given. She would further find fault with the findings that there are no inventive steps and that it is only a combination of cited documents under D1 to D6. Taking through to the cited documents as reflected in the impugned order, she would submit that none of the cited documents even if combined together would connect the claim made by the appellants with the cited documents.

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Hence, she prays this Court to set aside the order and remit the matter back to the authority different from the authority, who had passed the order.

4. Countering his arguments, the learned Senior Panel Central Government Standing Counsel appearing for the respondent would submit that the authority had in detail discussed in the impugned order as to how there was no inventive steps to the claim made by the appellants and as to how the claim made by the appellants would be a claim falling within the realm of a person skilled in the art would arrive at the solution based upon the prior art under cited documents under D1 to D6. He would submit that the authority an expert had dealt with the issue in detail and had rejected the claim of the appellants, which requires no interference by this Court and hence, he prays this Court to dismiss the appeal.

5. I have carefully considered the submissions made by the learned counsel on either side.

6. A perusal of the order impugned herein would reveal that an order rejecting a patent as claimed by the appellants had been primarily rejected on the ground that the patent do not present a novel and an inventive feature over a prior art under cited documents D1 to D6 apart from holding that the same is not patentable from the provisions of Sections 3(c) and 3(d) of the Patents Act.

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Even though the cited documents had been referred to by the authority, deliberation of the cited documents being prior to the invention had been not made by the authority and in that context, the reasons attributed by the authority in coming to the conclusion that there are no inventive steps and that the invention is not patentable is an order, which suffers from the vice of arbitrariness without giving any reasons whatsoever to substantiate the order of rejection. Hence, without adverting to the merits of the case any further, this Court is of the view that the impugned order would have to be necessarily set aside.

7. In such view of the matter, this Court is of the view that the scope of the claim remains the same. In view of the same, the impugned order 21.12.2022 rejecting the grant of patent is set aside and the matter is remanded for reconsideration on the following terms:

> *(a) In order to preclude the possibility of pre determination , an officer other than the officer who issued the impugned order shall undertake re-consideration.*
>
> *(b) After providing a reasonable opportunity to the appellants, a reasoned decision shall be issued within a period of four months from the date of receipt of a copy of this order.*
>
> *(c) For the avoidance of doubt, it is made clear that no observation has been made on the merits of the patent application.*

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8. On the above terms, this Appeal is allowed. However, there shall be no order as to costs.

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

abr

To

1.The Controller of Patents and Designs,
Government of India,
Patent Office,
Intellectual Property Rights Building,
GST Road, Guindy,
Chennai-600 032.

2.The Assistant Controller of Patents and Designs,
Government of India,
Patent Office,
Intellectual Property Rights Building,
GST Road, Guindy,
Chennai-600 032.

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K.KUMARESH BABU, J.

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