

**Dr. Kalyan B. Goswami**

Executive Director



Ref.: NSAI/2015/PPVFRA/001

Date: 23-01-2015

To  
The Chairperson  
Protection of Plant Varieties &  
Farmers Rights' Authority  
Govt. of India, NASC Complex  
DPS Marg, Opp- Todapur Village  
NEW DELHI-110012

Sir,

**Sub: Status of the applications filed for registration – Reg.**

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This is with reference to the "Application Status" shown the PPVFRA website (<http://plantauthority.gov.in/>). As per the Application status upto dated 01-01-2015, provided on the PPVFRA website, a link for List of applications Closed/withdrawn/rejected has been provided.

However, applicants are unaware as to what is meant by "Closed" status, as it is neither defined nor explained under the Act.

In this connection, we state that, though the Act provides for rejection of the application or treating the application as abandoned under given circumstances, neither of the decisions can be taken unilaterally by the Registrar.

Section 20(2)(b) of the Act relates to rejection of the application by the Registrar after giving a reasonable opportunity of presenting the case by the applicant. Section 20(2)(a) & (b) of the PPV & FR Act, 2001 is reproduced hereunder for kind reference.

*20. (2) Where the Registrar is satisfied that the application does not comply with the requirements of this Act or any rules or regulations made thereunder, he may, either –*

- (a) require the applicant to amend the application to his satisfaction; or*
- (b) reject the application:*

*Provided that no application shall be rejected unless the applicant has been given a reasonable opportunity of presenting his case. (Emphasis added).*

Similarly, under section 24(3) of the PPV & FR Act, read with Rule 38, the Registrar may, after giving notice to the applicant in the prescribed manner, treat the application as abandoned, unless it is completed within the time specified in that behalf in the notice or such further time as the Registrar may allow for completion of registration. Section 24(3) of the PPV & FR Act, 2001 is reproduced hereunder for kind reference.

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**24. Issue of certificate of registration—(3)** Where registration of a variety (other than an essentially derived variety), is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, **after giving notice to the applicant in the prescribed manner**, treat the application as abandoned unless it is completed within the time specified in that behalf in the notice. **(Emphasis added)**

Rule 38 of the PPV & FR Rules, 2003 is reproduced hereunder for kind reference.

**“38. Notice to the applicant under section 24:--** (1) If, within a period of twelve months, the application for registration of a plant variety other than an essentially derived variety is not completed in the circumstances given in sub-section (3) of section 24, **the Registrar shall issue thirty days notice to the applicant** at the address of his principal place of business in India, or if, he has no principal place of business in India, at the address for service in India stated in the application, but if the applicant has authorized an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant for filing of the application or such further time as the Registrar may allow for completion of registration. **(Emphasis added)**

(2) The notice under sub-rule (1) shall be in Form O-3 of the Third Schedule.

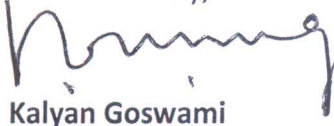
In either of the above two cases, the Registrar cannot take an unilateral decision for closure of the applications.

However, in the matter of applications shown as “Closed” on the website, the concerned applicants were neither notified nor given any reasons for the same. Such a decision is unilateral and arbitrary and violating the provisions of the Act.

We request the Chairperson to kindly examine and review the above matter and issue appropriate directions to the concerned to validate the applications shown under “Closed” status on PPVFRA website We also request to inform the applicants on the registration workflow and various outcomes of registration process through your website for information to all the applicants.

Thanking you,

Yours sincerely,



Kalyan Goswami