



**INTELLECTUAL
PROPERTY INDIA**

एकस्व/PATENTS|अभिकल्प/DESIGNS|
व्यापार चिह्न/TRADE MARKS|भौगोलिक
उपदर्शन/GEOGRAPHICAL INDICATIONS



सत्यमेव जयते

भारत सरकार

GOVERNMENT OF INDIA

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सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 7203/DELNP/2012

दिनांक/Date of Dispatch/Email: 29/08/2018

सेवा में,/To

GROSER & GROSER, PATENT AND TRADE MARK ATTORNEYS, OF D - 1/5 DLF QUTAB ENCLAVE,
PHASE I, GURGAON, INDIA. Email : kevin@groserandgroser.com

विषय: एकस्व अधिनियम, 1970 की धारा 12 व 13 तथा एकस्व नियम, 2003 के अधीन परीक्षण रिपोर्ट

Subject: Examination report under sections 12 & 13 of the Patents Act, 1970 and the Patents Rules, 2003.

1. उपर्युक्त आवेदन के संदर्भ में परीक्षण रिपोर्ट (अर्थात, एकस्व नियम, 2003 (यथा संशोधित) के नियम 24-ख(3) में विनिर्दिष्ट आपत्तियों का प्रथम कथन) इसके साथ संलग्न है। यह रिपोर्ट परीक्षण हेतु अनुरोध दिनांक 02/12/2013 के उतर में जारी की गयी है। परीक्षण रिपोर्ट का उतर दाखिल करने की अंतिम तिथि (अर्थात, इस रिपोर्ट में लगाई गयी सभी आवश्यकताओं के अनुपालन की अवधि) आवेदक को आपत्तियों का प्रथम कथन जारी होने की तिथि से छः माह है।

Please find enclosed herewith an Examination Report (i.e. a first statement of objections as specified in Rule 24-B(3) of The Patents Rules, 2003 (as amended)) in respect of above-mentioned application. This report is issued with reference to a request for examination dated 02/12/2013. The last date for filing a response to the Examination Report (i.e. a period to comply with all the requirements raised in this examination report) is six months from the date on which the first statement of objections is issued to the Applicant.

2. यदि रिपोर्ट के अंतर्गत लगाई गयी आवश्यकताओं का अनुपालन एकस्व नियम, 2003 (यथा संशोधित) के नियम 24 ख(5) में विनिर्दिष्ट अवधि के भीतर अंदर अनुपालन नहीं किया गया तो एकस्व अधिनियम 1970 की धारा 21(1) के अधीन वर्तमान आवेदन को परित्यक्त माना जाएगा।
The instant application shall be deemed to have been abandoned under Section 21(1) of The Patents Act, 1970, unless all the requirements raised in this report are complied with in the period as specified in Rule 24-B (5) of The Patents Rules, 2003 (as amended).

3. आपका ध्यान एकस्व नियम, 2003 के नियम 24 ख(6) के प्रावधानों की ओर भी आमंत्रित किया जाता है।
Your attention is also invited to the provisions of Rule 24-B (6) of the Patents Rules 2003.

4. आपको सलाह दी जाती है कि शीघ्र निपटान हेतु अपना उत्तर शीघ्र प्रस्तुत करें।
You are advised to file the reply at the earliest for early disposal.

Amit Singh

नियंत्रक पेटेंट/ Controller of Patents

संलग्न/Enclosed: अपरोक्त अनुसार/As above

टिप्पणी: यह इलेक्ट्रॉनिक रूप से उत्पन्न रिपोर्ट है।

NOTE: This is an electronically generated report.

सभी पत्राचार नियंत्रक एकस्व को उपरोक्त पते पर भेजा जाये।

All communications should be sent to the Controller of Patents at the above mentioned address.

परीक्षण रिपोर्ट / Examination Report

आवेदन संख्या /Application Number	7203/DELNP/2012
दाखिल करने की तिथि /Date of Filing	17/08/2012
पूर्विका दिनांक /Date of Priority	05/02/2010
पीसीटी अंतर्राष्ट्रीय आवेदन की संख्या व दिनांक / PCT International Application No. & Date	AU2011000092 -- 01/02/2011
आवेदक /Applicant	WEIR MINERALS AUSTRALIA LTD
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	12384/RQ-DEL/2013 02/12/2013
प्रकाशन की तिथि /Date of Publication	21/02/2014

इस परीक्षण रिपोर्ट के चार भाग हैं, अर्थात रिपोर्ट का सारांश, विस्तृत तकनीकी रिपोर्ट, औपचारिक आवश्यकताएँ तथा रिकॉर्ड में दस्तावेज़ / This examination report consists of four parts, namely summary of the report, detailed technical report, formal requirements and documents on record.

भाग -1: रिपोर्ट का सारांश

PART-I: SUMMARY OF THE REPORT

क्र. सं. /Sl. No.	अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियाँ /Requirements under the Act	दावों की संख्या /Claim Numbers	टिप्पणी /Remarks
1.	धारा 2(1)(ग) के तहत आविष्कार /Invention u/s 2(1)(j)	नवीनता /Novelty	दावे /Claims: 9-30 हाँ /Yes
		आविष्कारी कदम / Inventive step	दावे /Claims: 1-8 नहीं /No
		औद्योगिक उपयोगिता /Industrial Applicability	दावे /Claims: 1-30 हाँ /Yes
			दावे /Claims: 1-30 नहीं /No
2.	धारा 3 के अधीन पेटेंट-अयोग्यता (यदि हाँ, खंड 3(क-त) /Non-patentability u/s 3 (if yes, specify section3(a-p))	दावे /Claims: 1-30 हाँ /Yes	हाँ /Yes
3.	धारा 4 के अधीन पेटेंट-अयोग्यता /Non-patentability u/s 4	दावे /Claims: 1-30 हाँ /Yes	हाँ /Yes
4.	धारा 10 (5) के अधीन आविष्कार की एकलता /Unity of invention u/s 10 (5)	दावे /Claims: 1,9,18, 23,28-30 हाँ /Yes	हाँ /Yes
5.	धारा 10(4) के अधीन प्रकटन की दक्षता (हाँ/नहीं निर्दिष्ट करें) /Sufficiency of disclosure u/s 10 (4) (Specify Yes/No)	No	No
6.	सह-लंबित / विदेशी आवेदन (नों) हेतु आवश्यक संदर्भ (हाँ/नहीं निर्दिष्ट करें) /Reference to co-pending/foreign application(s) required (Specify Yes/No)	No	No
7.	[धारा 10(5) व 10(4) (ग)] के अधीन दावे /Claims [u/s 10(5) & 10(4) (c)]	स्पष्टता/ संक्षिप्तता /Clarity / Conciseness	दावे /Claims: 1, 12, 18-19, 21-22, 29-30 हाँ /Yes
		परिभाषिकता /Definitive	दावे /Claims: 2-8, 10-17, 19-22, 24-27 हाँ /Yes
		विवरण द्वारा समर्थित /Supported by description	दावे /Claims: 1-30 हाँ /Yes
			दावे /Claims: 1-30 नहीं /No
		दावे /Claims: 1-30 हाँ /Yes	हाँ /Yes

	क्षेत्र / Scope	दावे / Claims:	नहीं / No
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भाग -II विस्तृत तकनीकी रिपोर्ट
PART-II: DETAILED TECHNICAL REPORT

क. उद्धरित दस्तावेजों की सूची /A.List of documents cited:

(क) पेटेंट साहित्य / (a). Patent Literature :

क्र. सं. / Sl.no	दस्तावेजों का विवरण /Details of documents	प्रकाशन तिथि(दिन/माह/वर्ष) / Publication date	उद्धरित दस्तावेज का प्रासंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) / Relevant description (page and paragraph no.) of cited document	उद्धरित दस्तावेज के प्रासंगिक दावे / Relevant claims of cited document	अभिकथित आविष्कार के दावे /Claims of alleged invention
1	D1: WO9411541A1	26/05/1994	whole document		1-30
2	D2: JPS60169515A	03/09/1985	whole document		1-30
3	D3: US6013141A	11/01/2000	Col 3 line 34 - col 8 line 51; table 1 - 6	1-11	1-30
4	D4: US5030519A	09/07/1991	Fig 1 - 4; col 2 line 45 - col 4 line 26; col 4 line 53 - col 8 line 55; example 1 - 11;	1-12	1-30
5	D5: DE4419996A1	20/04/1995	whole document		1-30
6	D6: US20040060742A1	01/04/2004	Para 13 - 15; para 17 - 34		1-30

(ख) गैर-पेटेंट साहित्य /(b).Non-patent literature

कोई दस्तावेज उद्धृत नहीं है /No Document Cited

ख. अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियां /B. Detailed observations on the requirements under the Act:

(1).नवीनता / NOVELTY:

(I) ऊपर उद्धरित दस्तावेज के संदर्भ (1-8) में दिये गए प्रकटन के पूर्वानुमान को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-8) में नवीनता की कमी है /

Claim(s) (1-8) lack(s) novelty, being anticipated in view of disclosure in the document cited above under reference D1: WO9411541A1 for the following reasons:

Claim 1-8 is being anticipated by learning/teaching of document D1: WO9411541A1, which is as follows

Regarding claims 1-8

Document D1 discloses a method of making an engineering ferrous metal comprising the steps of adding to liquid engineering ferrous metal solid alloy carbide particles and thereafter permitting the ferrous metal to solidify. Preferably the solid carbide particles are coated with a metal which allows wetting to occur between the particles and the liquid engineering ferrous metal. By "wetting" we mean the ability of the liquid engineering ferrous metal to wet the coating metal. More particularly, for example, where the interfacial tension between the liquid engineering ferrous metal and the solid coating metal is such that the contact angle therebetween is 0 - 90 C. The alloy carbide particles preferably have a density which matches that of the engineering ferrous metal. By "matches" we mean a density preferably lying in the range 6 - 8 gms per cc. This is to be compared with a typical density of 7 gms per cc. for cast iron and steel. More preferably, the alloy carbide particles have a density of + 5NO of the density of the engineering ferrous metal to which they are added. The wettability of the coated particles and the density of the alloy carbide particles each promote a uniform distribution of the carbide particles in the liquid engineering ferrous metal which is retained when the metal solidifies. By a "uniform distribution" we mean an even distribution throughout the section of a casting made of the engineering ferrous metal with no significant segregation. The solid carbide particles are not orientated in any direction and are distributed across all phases of the micro-structure. The coating metal preferably comprises iron or an iron carbon alloy, but may comprise an alloy of two or more elements selected from the group comprising iron, nickel, copper, titanium and carbon, or may be nickel or copper and usual incidentals. The coating metal may comprise nitrogen, for example nitrogen. If the coating is iron, then because iron has a higher melting point than the engineering ferrous metal to which it is to be added, which would inhibit wettability, it is preferred to add an appropriate amount of at least one alloying element such as carbon, nickel, copper or titanium to the iron to produce an alloy having a melting point which matches the operating temperature of the ferrous metal. By "matches" we mean that the melting point of the coating and said operating temperature are preferably within approximately 20 - 30 C of each other. By "operating temperature" we mean the temperature of the engineering ferrous metal whilst the coated carbide particles are added. The iron coating may contain up to 3.5% carbon. If the alloy carbide particles are coated with iron or with an iron alloy having a lower carbon content than that of the engineering ferrous metal to which they are added the coated alloy carbide particles may be added to the engineering ferrous metal and permitted to dwell therein sufficiently long for carbon from the engineering ferrous metal to diffuse into the coating and so produce a composition which has a melting point which matches the operating temperature of engineering ferrous metal. It is particularly preferred that the carbide particles have a matching density as described above when the particles are left in the molten engineering ferrous metal for a dwell time long enough for carbon to diffuse into the coating to cause the melting points to match. If desired, the composition of the coating metal may be such as to provide a melting point which is more than 30 C below the operating temperature of the engineering ferrous metal to which the coated particles are added. The coated alloy carbide particles may be added to the liquid engineering ferrous metal either in the melting furnace or in a ladle into which the metal has been poured from the melting furnace, or in the stream of metal being poured from the melting furnace to the ladle, or in the stream of metal being poured from the ladle into a mould. It is preferred to add the coated alloy carbide particles in the melting furnace so as to maximise the dwell time of the alloy carbide particles in the ferrous metal prior to the onset of solidification. It is particularly preferred that the melting furnace is an induction furnace, since an induction furnace provides good stirring of the melt. We have found that the titanium of the carbide oxidises to form titanium oxide which can react with silicon from the furnace lining to form a hard crust on the metal surface which may entrap the carbide particles and reduce their distribution in the molten metal. In order to avoid or reduce this problem we prefer to add the coated alloy carbide particles to the engineering ferrous metal in an inert environment, for example, an atmosphere of an inert gas such as argon or under vacuum. The coated alloy carbide particles may be added to the ferrous engineering metal melt in the form of a powder comprising powder particles having a particle size up to 2mm and preferably of about 500 microns and containing alloy carbide particles having a particle size of up to 10 microns and preferably in the range 1-5 microns and more preferably 2-5 microns.

(2). आविष्कारी कदम / INVENTIVE STEP:

(I) ऊपर उद्धरित दस्तावेज़(जों) के संदर्भ D1: WO9411541A1, D2: JPS60169515A, D3: US6013141A, D4: US5030519A, D5: DE4419996A1, D6: US20040060742A1 में स्पष्ट अध्यापन(नों) को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-30) में आविष्कारी कदम की कमी है

Claim(s) (1-30) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under

reference D1: WO9411541A1, D2: JPS60169515A, D3: US6013141A, D4: US5030519A, D5: DE4419996A1, D6: US20040060742A1 for the following reasons:

Further to novelty objections, claims 1-30 does not constitute an invention u/s 2(1) (j) (a) for the lack of inventive step in view of documents D1: WO9411541A1, D2: JPS60169515A, D3: US6013141A, D4: US5030519A, D5: DE4419996A1, D6: US20040060742A1, which is as follow,

Document D1 discloses a method of making an engineering ferrous metal comprising the steps of adding to liquid engineering ferrous metal solid alloy carbide particles and thereafter permitting the ferrous metal to solidify. The alloy carbide particles are coated with iron or an iron alloy to allow wetting to occur between the powder and the liquid ferrous metal and the particles have a density which matches that of the ferrous metal to provide a uniform distribution of the carbide particles in the ferrous metal. A roll may be made having at least a shell made of metal by such a method by centrifugal casting or electroslag remelting.

Document D2 discloses a molten cast iron contg. 2.5-5.0% C, <3.5% Si, <3.5% Mn and 25.0-80.0% W or further contg. <=10% Ni, Cr, Co or other element substituted for part of Fe is cast, <=0.05% powder of W carbide such as WC and W₂C is inoculated into the molten cast iron in a melting furnace, during charging into a casting mold or in the casting mold. Fine lump WC of 5-100µm grain size is uniformly crystallized and dispersed by 15-75vol% in the matrix of the resulting casting. Thus, a casting with very high hardness and superior wear resistance is obtained. It is suitable for use as the material of a roll for rolling.

Document D3 discloses a indefinite chill roll alloy composition is disclosed containing carbon ranging from 2.5 to 4.0% by weight of the alloy and the carbon is present as free graphite in an amount ranging from 2-7%, preferably 3-6%, of the total carbon. The composition further includes niobium which ranges from 0.3-6.0 % and is present essentially as discrete niobium carbide particles in the alloy. The present invention further includes a chill roll shell formed from the alloy and produced by a method including the steps of providing a molten indefinite chill roll composition, adjusting the composition by adding niobium in an amount sufficient to produce a molten batch containing 0.3 to 6.0% niobium based on the total weight of said molten batch, providing a stoichiometric amount of excess carbon to form niobium carbide and casting the molten batch to form the chill roll shell. The method of the present invention may be useful to form indefinite chill roll containing significant quantities of carbides from other element that form carbides having low carbide solubilities near the eutectic point of the iron alloy, while maintaining sufficient free graphite in the alloy to produce an alloy having the properties required for chill roll applications.

Document D4 discloses a matrix-bonded carbide-containing material of high hardness is prepared using a mixture containing a matrix alloy having a composition in weight percent of from about 15 to about 45 percent chromium, from 0 to about 3 percent silicon, from about 2 to about 6 percent boron, from about 3 to about 11 percent titanium (either as metal or as a compound), balance iron and impurities, and a mass of tungsten carbide particles, the tungsten carbide particles preferably being present in an amount of from about 15 to about 60 percent by weight of the total mixture and the matrix alloy preferably being present in an amount of from about 85 to about 40 percent by weight of the total mixture. The matrix alloy is melted to produce a flowable mixture having a liquid phase and solid tungsten carbide particles, and thereafter solidified. During melting, the tungsten carbide particle size is reduced by interaction with the liquid phase. The melting can be accomplished by a conventional melt casting procedure, or by welding or other technique that produces a liquid matrix phase. The fine tungsten carbide particles produced during melting exhibit little if any settling, so that the final solidified product is macroscopically homogeneous.

Document D5 discloses a highly wear-resistant composite material for cutting tools containing a proportion of vanadium carbide, which, owing to the high hardness of vanadium carbide, has an abrasion resistance superior to that of the composite materials of the other special carbides. According to the invention, the object is achieved by vanadium carbides having a grain size of less than 30 microns being embedded in a proportion by volume of from 15 to 18% in a steel matrix having a grain size of from 1 to 20 microns and a hardness of from 62 to 66 HRC, consisting of from 0.4 to 0.9 per cent by weight of C from 0.3 to 0.8 per cent by weight of Mn from 0.4 to 1.0 per cent by weight of Si from 2.8 to 8.0 per cent by weight of Cr from 0.0 to 5.0 per cent by weight of Mo from 0.0 to 15.0 per cent by weight of Co remainder: Fe. The invention is used, for example, in coating paper cutting knives with the composite material for increasing the abrasion resistance.

Document D6 discloses a new composition for forming a matrix body which includes spherical sintered tungsten carbide and an infiltration binder including one or more metals or alloys is disclosed. In some embodiments, the

composition may include a Group VIII B metal selected from one of Ni, Co, Fe, and alloys thereof. Moreover, the composition may also include cast tungsten carbide. In addition, the composition may also include carburized tungsten carbide.

(3). आविष्कार की एकलता /UNITY OF INVENTION:

(I) दावा(वों) 1,9,18, 23,28-30 मे आविष्कार की एकलता की कमी है क्योंकि दावे किसी एक आविष्कार या आविष्कारों का समूह जो मिलकर एक आविष्कारी संकल्पना की संरचना करें उससे संबन्धित नहीं हैं। Claim(s) 1,9,18, 23,28-30 lack(s) unity of invention as the claims do not relate to a single invention or to a group of inventions linked so as to form a single inventive concept:

The application contains independent claims 1,9,18, 23,28-30. This is allowable only where it is not appropriate, having regard to subject matter, to cover this subject matter by a single independent claim. In the present case, said independent matter for which protection is being sought are of overlapping scope, and their various definitions of the subject matter make it difficult to determine the matter for which the protection is sought. Thus the claims as a whole are not clear and concise, and the requirement of section 10(5) of the Act is not met.

(II) इस आवेदन का दावा (के दावे) सह-लंबित आवेदन संख्या के दावे के परस्पर विरोध मे है। Claim(s) of the instant application conflict(s) with claim(s) of co-pending application no.

(4). प्रकटन की दक्षता /SUFFICIENCY OF DISCLOSURE:

(I) आविष्कार का शीर्षक /Title of Invention:

Title is inconsistent with claims.

(5). स्पष्टता एवं संक्षिप्तता /CLARITY AND CONCISENESS:

(I) दावा(वे) 1, 12, 18-19, 21-22, 29-30 के संबंध मे स्पष्ट रूप से परीभाषित नहीं हैं। Claim(s) 1, 12, 18-19, 21-22, 29-30 are not clearly worded in respect of:

1. The word "and/or" used in claim 1,18-19, 21-22, 29-30 is not clear, amendment required.
2. The word "or more" used in claim 1,12, 29-30 is not clear, amendment required.

(6). परिभाषिकता /DEFINITIVENESS:

(I) दावा(वे) 2-8, 10-17, 19-22, 24-27 निम्नलिखित कारणों से आविष्कार को पर्याप्त रूप से परीभाषित नहीं करता(ते) हैं। Claim(s) 2-8, 10-17, 19-22, 24-27 do not sufficiently define the invention for the reasons as follows:

1. The word "defined in claim" in the claims, 2-8, 10-17, 19-22, 24-27 is not definitive; it requires amendment by replacing the word "as claimed in claim".
2. The word "comprising" in the claims, 2-8, 10-17, 19-22, 24-27 is not definitive; it requires amendment.

THE PATENT OFFICE

आपत्तियाँ /Objections	टिप्पणी /Remarks
Endorsement by /Assignment from Inventor	Endorsement by or assignment from inventor or applicant in convention country or authority in favour of legal representative should be filed as per provisions of Patent Act.
Format of Specification (rule 13)	<ol style="list-style-type: none"> 1. Irrelevant or other matter, not necessary, for elucidation of the invention, shall be excluded from the title, description, claims and drawings u/r 13(5) Indian Patent Rule 2003, as amended. 2. Each main feature mentioned in the abstract and illustrated by a drawing shall be followed by the reference sign used in that drawing u/r 13(7d) of Indian Patent Rule 2003, as amended. 3. Renumbering of the pages of the description is required as the page number should start from the form 2 as the form 2 is the part of specification u/r 13(1) of Indian Patent Rule 2003, as amended. 4. Title should be given in abstract as per U/R 13(7)(a)
Other Deficiencies	<ol style="list-style-type: none"> 1. Blank space in the specification and claims should be scored out. 2. All documents and copies of the documents, except affidavits and drawings, filed with patent office, shall be numbered in consecutive Arabic numerals in the Center of the bottom of the sheet u/r 9(1c) of Patent Rule 2003, as amended. 3. Inventive features should be characterized in the claim-1 incorporating the all essential novel inventive constructive features described therein. Reference numerals should be given. 4. The statement of claims should be prefaced with the words "I/WE claim".
Requisite Fee (Application, RQ, Priority etc.)	Extra fee need to paid for extra pages/claims.
Format of Drawings	<ol style="list-style-type: none"> 1. The Drawings referred to in the specification should be prepared in accordance with the instructions contained in the Rule 15 of the Patent Rules, 2003(as amended in 2006). 2. Extraneous matter on drawing should be deleted.
Power of Attorney (Whether GPA, SPA, Stamped, requisite fee etc.)	Signatory "F. S. Groser" has not given PA.
Statement & Under Taking (Form 3 Details)	<ol style="list-style-type: none"> 1. Form 3 dated 06/12/2012 is out of prescribed time limit. 2. Fresh and updated form 3 should be submitted. All foreign filing should be provided. 3. Details regarding the search and/or examination report including claims of the application allowed, as referred to in Rule 12(3) of the Patent Rule, 2003, in respect of same or substantially the same invention filed in all countries outside India along with appropriate translation where applicable, should be submitted within a period of Six months from the date of receipt of this communication as provided under section 8(2) of the patent act.

भाग-IV: रिकॉर्ड में दस्तावेज़ /PART-IV: DOCUMENTS ON RECORD

निम्नलिखित दस्तावेज़ों के आधार पर यह परीक्षण रिपोर्ट तैयार की गयी है

The examination report has been prepared based on the following documents:

कार्यसूची तिथि / Docket Date	कार्यसूची संख्या /Docket Number	प्रविष्टि संख्या विवरण /Entry Number Description
17 Aug 2012	7621	1-New Application For Patent With Provisional /Complete Specification
27 Sep 2012	9310	OTHERS(NON CASH)
27 Sep 2012	9310	OTHERS(NON CASH)
06 Dec 2012	12694	OTHERS(NON CASH)
06 Dec 2012	12694	OTHERS(NON CASH)
02 Dec 2013	19520	28(i)-Request For Examination After 18 months Publication - Form 18
02 Dec 2013	19520	OTHERS(NON CASH)

नियंत्रक का नाम /Name of the Controller: [Amit Singh](#)

नियंत्रक स्थान /Controller Location: [Delhi](#)

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report:
28/02/2019