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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL JURISDICTION

WRIT PETITION No. 915 OF 2015

Pfizer Products India Private Limited
and Ors.

...Petitioners

Vs.

Union of India and Ors.

...Respondents

Dr. Birendra Saraf a/w. Mr. Aditya Mehta a/w. Mr. Vineet Unnikrishnan
i/b. Federal Rashmikanth for Petitioners
Mr. Vinod Joshi for Respondent No.3

CORAM : V. M. KANADE &
A.R. JOSHI, J.J.

DATE : APRIL 28, 2015

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioners and the learned counsel appearing on behalf of Respondent No.3.

2. By this petition, which is filed under Article 226 of the Constitution of India, the Petitioners are seeking an appropriate writ, order and direction for quashing the orders/ directions dated 4th November, 2014, 16th January, 2015, 11th February, 2015 and 3rd

(WP 915 of 2015)

March, 2015. It is submitted that in the first two notices i.e. 4th November, 2014 and 16th January, 2015, the Petitioners were asked not to sell or dispose of the drugs mentioned in the said two letters. By the third order dated 11th February, 2015, the Petitioners were informed to recall the goods, mentioned in the order and which have been sent in the market and also asked the Petitioners not to dispose of the same by sale. The notice / order dated 11th February, 2015 mentions that the label of the said drug(s) do/does not depict a correct statement of the net content/ volume (Temsirolimus concentrate for Inj.) and, secondly; that the name of the manufacturer and the address of the premises of the manufacturer where the drug has been manufactured (in the diluent vial), is not mentioned and lastly, if any preparation contains not less than 3 per cent by volume of alcohol the quantity of alcohol shall be stated in terms of the average percentage by volume of absolute alcohol in the finding products.

3. It is submitted that no particulars have been furnished in the impugned order as to the correct statement and the Petitioners have also demanded the further particulars in respect of objection Nos.2, 3, and 4. It is the case of the Petitioners that the Respondents have not given any show cause notice to the Petitioners and only asked the Petitioners not to dispose of or sale the goods.

4. In our view, the writ petition can be conveniently disposed of by directing the Deputy Drugs Controller of the relevant authority to issue a show cause notice to the Petitioners and after reply to the show cause notice, give a hearing to them and then pass an appropriate order. The Petitioners are permitted to cure the defects which are mentioned in the orders and also satisfy that the said defect does not

(WP 915 of 2015)

remain. The entire exercise shall be completed within four weeks. Ad-interim order to continue till the decision of the show cause notices and one week thereafter.

[A.R. JOSHI, J.]

[V. M. KANADE, J.]