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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6900/2016**

J K ANSELL PRIVATE LIMITED

..... Petitioner

Through : Ms Surekha Raman, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr Jaswinder Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.08.2016

C.M. No.28323/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6900/2016 & CM No.28322/2016(stay)

The petitioner seeks a mandamus thereby directing the respondent No.2 to process the application submitted by the petitioner for grant of permission/license under Rule 122B to manufacture and sell condom containing 4.5% benzocaine.

It is contended that on 18.01.2016, respondent No.3 had issued a cancellation order in respect of the product permission granted to the petitioner. The petitioner had been manufacturing the said product since 2002. The petitioner, on 06.02.2016, surrendered its already existing licence and decided to apply afresh in terms of the order dated 18.01.2016.

It is contended that similar cancelation orders had been passed in respect of other manufacturers, who approached this Court. This Court, by

order dated 23.05.2016, directed the petitioners therein to file a representation and the respondent No.2 was directed to decide the representation within a period of eight weeks. In the meantime, the operation of the impugned order was suspended. It is contended that the petitioner is being put to prejudice by the action of the respondent inasmuch as the petitioner complied with their directions and applied afresh and other manufacturers, who are also competitors of the petitioners are continuing to manufacture and sell their products.

Since the petitioner has already surrendered its licence, the petitioner cannot be permitted to manufacture and sell its product at this stage. However, the petitioner cannot be put to a greater prejudice than the others who had challenged similar cancellation orders passed by respondent No.2.

In view of the above, the petitioner shall furnish all documents, results of studies conducted and clinical data to respondent No.2 within a period of one week from today. The respondent No.2 shall decide the application of the petitioner within a period of four weeks thereafter.

The writ petition is disposed of in the above terms, reserving the liberty of the petitioner to avail of such remedies as may be available in law, if aggrieved by the decision on its application.

Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 08, 2016

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