

\$~9.

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

+ W.P.(C) 10208/2015

SOCIETY FOR VOICE OF HUMAN
RIGHTS & JUSTICE

..... Petitioner

Through: Mr.D.K.Singh, Adv. for Mr.M.Dutta,
Adv.

Versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Akshay Makhija, CGSC with
Mr.Vikas Bhadauria, Ms.Mahima Bahl, Adv. for
UOI.

Mr.Sanjoy Ghose, ASC with Ms.Pratishtha Vij,
Adv. for GNCT of Delhi.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

21.01.2016

1. This writ petition as a public interest litigation has been filed seeking a direction to the respondents to ensure absolute and complete compliance of Rule 106A of the Drugs and Cosmetic Rules, 1945 by all homeopathic practitioners/clinics.
2. On behalf of the respondent No.2/Govt. of NCT of Delhi, Shri Bhattacharya, Assistant Drugs Controller filed a short affidavit explaining the legal position. On the basis of the said affidavit, it is submitted by Shri Sanjoy Ghose, the learned ASC that as per Rule 123 of the Drugs and Cosmetics Rules, 1945, the drugs specified in Schedule 'K' shall be exempted from the provisions of Chapter IV of the Drugs and

Cosmetics Act, 1940 to the extent and subject to the conditions specified in that Schedule. It is pointed out by the learned counsel that homoeopathic medicines supplied by a registered homoeopathic medical practitioner to his own patient or homoeopathic medicines supplied by a registered homoeopathic medical practitioner at the request of any such practitioner are included in Entry 24 of Schedule 'K' and thus the same are exempted from the provisions of Chapter IV of the Act and the Rules made thereunder, subject to the conditions specified therein.

3. In the light of the exemption granted under Rule 123, we do not find any substance in the contention of the writ petitioner. We have also observed that in the short affidavit filed on behalf of respondent No.2 it is stated that an inspection was carried out by the Drug Inspectors in the clinic of Bakson Homoeopathic Centre for Allergy situated at 304, 3rd floor, Aggarwal Mall, Sector 5, Dwarka, Delhi-75 on 13.10.2015 and that it was found that no manufacturing activities are being carried out in the said clinic and there was no violation of the Drugs and Cosmetics Act.

4. Hence, there is also no factual basis for the allegations made in the petition.

5. Accordingly, the writ petition is dismissed.

CHIEF JUSTICE

JAYANT NATH, J

JANUARY 21, 2016

'anb'

W.P.(C) 10208/2015

Page 2 of 2