

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 19733 of 2014

Date of Decision: March 22, 2017

M/s Wockhardt Limited

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Puneet Bali, Sr. Advocate with
Mr. Vaibhav Jain, Advocate
for the petitioner.

Ms. Anu Pal, AAG, Punjab.

Mr. Vivek Singla, Advocate

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M.M.S. BEDI, J. (ORAL)

Petitioner is aggrieved by the decision of the State of Punjab dated September 9, 2014, annexure P-9, restraining the petitioner Company from selling the drug, namely, Spasmo proxyvon plus, (FDC containing Tramadol) till its efficacy is approved by respondent No.4 i.e. the Drug Controller General, (India).

During the pendency of the petition, pursuant to the interim orders passed by this Court, a report has been submitted that respondent No.3 has issued NOC for conduct of Phase IV Clinical trial on December 21, 2016 for the above said FDC subject to certain conditions. Vide letter dated February 10, 2017 permission for continued manufacturing and marketing of the subject FDC till such time outcome of the Phase IV study is evaluated and further decision is made on the issue by respondent No.4.

In this context, the letter issued to the petitioner by respondent No.4 has been placed on record, which reads as follows:-

“Please refer to this Directorate letter No. F.No.4-100/2003-DC (Pt. Wockhardt) dated 21.12.2016 whereby you were granted permission to conduct Phase IV trial on the FDC of Dicyclomine Hydrochloride 10mg/ 20mg + Tramadol Hydrochloride 50 mg/37.5mg + Acetaminophen 325mg/325mg Hard gelatine capsules.

In continuation to this letter, you are hereby communicated for continued manufacturing and marketing of the said FDC till such time outcome of the Phase IV study is evaluated and further decision is made on the issue by this office.”

Since the petitioner has been permitted to manufacture and market the FDC (Fixed Dose Combination) of Dicyclomine Hydrochloride +

Tramadol + Acetaminophen) in Hard gelatine capsules, this petition has rendered infructuous on account of the relief having already been granted to the petitioner.

Disposed of in the above terms.

In case of any obstruction by the State, it will be open to the petitioner to approach this Court.

March 22, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.