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

+ W.P.(C) 6647/2018

ABBOTT HEALTHCARE PVT LTD

..... Petitioner

Through: Mr.Rajiv Nayar, Sr. Adv. with
Ms.Pallavi Shroff, Mr.Aashish Gupta,
Ms.Manika Brar, Mr.Aditya
Mukherjee, Mr.Anirudh Lekhi and
Ms.Anjali Kumar, Advs.

versus

COMPETITION COMMISSION OF INDIA & ANR.... Respondents

Through: Mr.Udayan Jain, Adv. for R-1 along
with Mr.Manoj Pandey, Adviser.
Mr.Ripu Daman Bhardwa and
Mr.T.P. Singh, Advs.for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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20.06.2018

CM Nos.25344-46/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6647/2018 & CM 25343/2018

This petition has been filed *inter-alia* praying for the following relief:

“a. Issue a writ, order or direction in the nature of writ of certiorari or any other appropriate writ, order or direction setting aside the Impugned PF Order dated 05.07.2017 and the Review and Recall Order dated 08.05.2018, issued by the Respondent No.1.”

The primary contention of the learned senior counsel for the petitioner is that the respondent no.1 while adjudicating on the review petition filed by

the petitioner had called for comments from the respondent no.2 National Pharmaceutical Pricing Authority (NPPA). The comments so received were never shared with the petitioner. In fact, respondent no.1 granted an opportunity of hearing to NPPA without any notice to the petitioner. It is only on coming to know of such *ex-parte* proceedings that the petitioner had filed a representation dated 04.05.2018, while protesting against the procedure being adopted and also making the comments on merits.

Learned counsel for the respondent no.1, on instructions, submits that the Impugned Order dated 08.05.2018 may be set aside and the matter be remanded back to the respondent no.1 for fresh consideration after giving an opportunity of hearing to the petitioner.

It is ordered accordingly. The Impugned Order dated 08.05.2018 is set aside. The respondent no.1 shall be at liberty to pass an appropriate order after giving an opportunity of hearing to the petitioner.

The petition and pending application are disposed of with the above directions.

Dasti.

**NAVIN CHAWLA
(VACATION JUDGE)**

JUNE 20, 2018/Arya