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

+ W.P.(C) 8314/2018

BIOCON LTD.

..... Petitioner

Through: Mr. Amit Sibal, Senior Advocate with
Mr. Avinash Amarnath & Mr. Abhinav
Jaganathan, Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Maninder Acharya, ASG & Mr.
Ravi Prakash, CGSC with Mr. Nitish Gupta, Mr.
Farman Ali, Mr. Harshul Choudhary, Mr. Sahil
Sood & Mr. Viplav Acharya, Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.08.2018**

1. The petitioner has filed the present petition praying as under:

“B. Issue writ, order or direction in the nature of certiorari or any other writ, order or direction, quashing the demand notice F.No.30(34)2017/Div.IV(OC-II)/NPPA dated 25.05.2018 and 25.07.2018 as issued by the Respondent No.3.”

2. Ms. Acharya, learned ASG who appears for respondents on advance notice states that the petitioner has already filed a review petition under Paragraph 31 of the DPCO-2013, which is pending before the concerned authority and, therefore, the present petition is

premature.

3. Mr Sibal, learned senior counsel appearing for the petitioner submits that a review petition filed by a similarly placed pharmaceutical company (Sanofi) was rejected on 05.06.2018 by the concerned authority. He further states that although the petitioner's review is pending, the respondents are enforcing the demand of alleged over-charge raised on the petitioner.

4. Plainly, as the respondents are considering the petitioner's review, the question of enforcing the impugned demand (vide notices dated 25.05.2018 and 25.07.2018) does not arise, as that would effectively frustrate the petitioner's review petition.

5. In view of the above, the present petition is disposed of by directing the respondents to dispose of the petitioner's review petition as expeditiously as possible. However, till the disposal of the review petition, no coercive action shall be taken against the petitioner pursuant to the demand notices, impugned in this petition.

VIBHU BAKHRU, J

AUGUST 08, 2018/ns