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

+ W.P.(C) 8317/2018

BIOCON LTD

..... Petitioner

Through: Mr Ashish Verma and Mr Manish
Srivastava, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

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

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.08.2018

CM No.31924/2018

1. Allowed subject to all just exceptions.

W.P.(C) 8317/2018 & CM No.31923/2018

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“A. Issue writ, order or direction in the nature of certiorari or any other writ, order or direction, quashing price fixation Order SO 3727(E) dated 23.11.2017 & SO 3946(E) DATED.20.12.2017 vide which the price for Blisto Trio 1 (Metformin Hcl (SR/ER/PR) 500 + Voglibose 0.2 mg + Glimepride 1 mg tablets) has been fixed by the respondent no. 3.

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(33)2017Div.IV(0C-II)/NPPA dated

08.06.2018 and 25.07.2018 as issued by the respondent no. 3.”

3. 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.

4. Mr Verma, 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 petition is pending, the respondents are enforcing the demand of alleged over-charge raised on the petitioner.

5. This Court is of the view that since the respondents are considering the petitioner’s review petition, the impugned demand (vide notices dated 08.06.2018 and 25.07.2018) must be temporarily suspended, as enforcement of the same that would effectively frustrate the petitioner’s review petition.

6. 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.

7. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 10, 2018/MK