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

+ W.P.(C) 7038/2017 & CM No. 29223/2017

WANBURY LIMITED AND ANR Petitioners

Through : Mr. Arvind Kumar,
Ms. Purti Marwaha and
Mr. C.S. Chauhan, Advs.

versus

UNION OF INDIA Respondent

Through : Mr. Anurag Ahluwalia,
CGSC for R-UOI

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **10.04.2018**

1. The present writ petition impugned the notification dated 8th June, 2017 issued by the Union of India under Section 26A of the Drugs and Cosmetics Act, 1940 *inter alia* prohibiting the manufacturer for sale, sale and distribution for human use of the drug *fixed dose combination of Etodolac+Paracetamol* with immediate effect. It is submitted by learned counsel for the parties that a challenge to the rationality and safety of 294 fixed drug combination including the combination under challenge in the present appeal was also made before the Supreme Court of India by way of SLP(Civil) No. 7061/2017, which was registered as *Civil Appeal No. 22972/2017 Union of India & Anr. v. Pfizer Ltd. &*

Ors. These appeals and transfer petitions relating to similar challenges have been decided by a judgment dated 15th December, 2017 by the Supreme Court *inter alia* directing as follows :

“39. Insofar as the status quo, obtaining as on today, is concerned, that will continue in all cases (including the 5 FDCs which are not the subject matter of stay orders already made) until the Central Government issues fresh notifications in this behalf.”

2. It is submitted by learned counsel for both sides that the review in terms of the above directions is underway.

3. In view thereof, this writ petition would not survive for consideration and has to abide by the judgment dated 15th December, 2017 of the Supreme Court of India.

4. This writ petition and application are disposed of in terms thereof.

Dasti to parties.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

APRIL 10, 2018/kr