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

+ **W.P.(C) 12224/2018 & CM APPL. 47372/2018**

PFIZER INC. AND ORS.

..... Petitioners

Through Mr Pravin Anand, Advocate with Mr
Tushar Malhotra, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Vikas Mahajan, CGSC for UOI with
Mr Aakash Verma, Mr Deepak Goyal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.12.2018**

1. The petitioners have filed the present petition, *inter alia*, praying that orders be passed for prohibition/ban of the import, manufacture, sale, distribution and export of spurious drugs manufactured by respondent no.3 (Lucius Pharmaceuticals) including Lucicriz, Lucisun, Luciax and Lucipalb.
2. The petitioners are manufacturers of certain drugs used for treatment of cancer. The petitioners allege that spurious drugs allegedly manufactured by respondent no.3 are being marketed and sold in this country, claiming to be a cheaper version of the drugs manufactured by the petitioners.
3. Mr Vikas Mahajan, learned counsel appearing for the respondents confirms that the drugs as mentioned by the petitioners are in fact spurious and no permission for sale of the said drugs has been granted by the Central Drugs Standards Control Organization (CDSCO). Mr Mahajan contends that the action for preventing spurious drugs is required to be taken by the

concerned State Governments. He further states that if the petitioner provides the information as to where such drugs are being sold, the respondent no.2 (CDSCO) shall coordinate with the respective State Governments to take appropriate action.

4. Since the drugs in question are identified as spurious, this court is not required to pass any order banning the same; their import and sale is, in any event, illegal. It is open for the petitioners to provide the necessary information as to where and how the said spurious drugs are being sold. The respondent no.1 shall take the necessary action in accordance with law in coordination with the respective State Governments. It is also open for the petitioner to make a complaint in this regard to various State Drug Licensing Authorities and other concerned agencies including the authorities in the National Capital Territory of Delhi. Needless to state that if any such complaints are made, the concerned State authorities shall take appropriate steps in accordance with law to prevent the sale of the spurious drugs and further to prosecute the offenders to the fullest extent of the law as expeditiously as possible.

5. The petition is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

DECEMBER 13, 2018

pkv