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

+ LPA 726/2018

DEEP DAS

..... Appellant

Through: Mr.Vivek Tankha, Mr.Kirti Uppal,  
Sr.Advs. with Mr.Sanjay Kumar, Ms.Arпита  
Sawhney, Mr.Arun Kumar Jana, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Ripu Daman Bhardwaj,  
Mr.Kirtiman Singh, CGSCs with Mr.T.P.Singh,  
Adv. for R-1&2/UOI.

Mr.Rajiv Nayyar, Mr.Abhinav Vashishth, Sr.Advs.  
with Ms.Shyel Trehan, Ms.Sugandha Batra,  
Mr.Aman Shukla, Ms.Akshita Sachdeva, Ms.Priya  
Singh, Advs. for R-3.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**20.12.2018**

**Caveat No.1201/2018**

Since the learned counsel for the respondents have entered appearance, the caveat stands discharged.

**C.M.No.44697/2018 (exemptions)**

Allowed, subject to all just exceptions.

**LPA No.726/2018**

1. Challenging an interlocutory order dated 19<sup>th</sup> November, 2018 passed by the learned writ Court dismissing C.M.No.44697/2016 with regard to restraining the respondent from launching a particular product, this appeal under Clause 10 of the Letters Patent has been filed.

2. It was the case of the appellant before the writ Court that the respondents have launched the product on 29<sup>th</sup> August, 2016 even before the approval for the drug in question was obtained. The learned writ Court examined the matter, found on the basis of receipts and invoice, that the drug itself was launched after approval was granted on 29<sup>th</sup> August, 2016 and, therefore, dismissed the application.

3. In our considered view, dismissing the application on such consideration, the writ Court has not committed any error warranting interference. The writ petition is, accordingly, dismissed.

**CHIEF JUSTICE**

**V. KAMESWAR RAO, J**

**DECEMBER 20, 2018**

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