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

+ W.P.(C) 7111/2015 & CM Appl.13038/2015

NOVARTIS INDIA LIMITED AND ANR. Petitioner

Through: Mr.Gopal Subramaniam, Sr.Adv.
with Mr.Manoj, Ms.Aparna Sinha,
Mr.Jayavardhan Singh & Mr.Atin
Kumar, Advocates

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Advocate

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.02.2019**

1. The petitioner's challenge in these proceedings is to the amendment made in para 2(1)(v) of the Drugs (Prices Control) Order, 2013 and consequent application to para 11 by virtue of para 11(2), empowering the Central Government to calculate separate ceiling price of non-scheduled formulations.

2. Mr.Gopal Subramaniam, learned Senior Counsel for the petitioner submits that in other proceedings – W.P.(C) Nos. 3020/2014 & 7851/2018, the issue is pending consideration before a learned Single Judge of this Court, wherein the petitioner has challenged the demands. It is submitted that an alternative submission, with respect to the construction of the Drugs (Prices Control) Order, 2013, especially with regard to the interpretation of the amendments and the power of the Central Government to do so, can be urged, in which event the present proceedings may not be necessary.

3. Learned counsel, therefore, seeks liberty to urge those grounds which are urged as a challenge to the *vires* of the two provisions impugned in the present writ petition as an alternative submission in those proceedings [W.P.(C) Nos. 3020/2014 & 7851/2018], and seeks liberty to withdraw the writ petition.

4. The writ petition is dismissed as withdrawn, but all rights are kept open.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

FEBRUARY 14, 2019

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