

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10758 of 2020

M/s.Themis Medicare Ltd.
Rep. By its Company Secretary,
11/12, Udyog Nagar, S.V.Road,
Goregaon West,
Mumbai 400 104,
(Office Address of the CS)

[PETITIONER]

Vs

Office of the Director of Drugs,
Drugs Control Administration,
Through its Director,
No.359, Anna Salai,
Teynampet, Chennai 600 018.

[RESPONDENT]

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondent to consider the representation dated 20.07.2020 preferred by the petitioner and carry out consequential action mandated upon in under the provisions of the Drugs and Cosmetics Act, 1940 and Rules thereof within such time period.

For Petitioner : Mr.A.K.Sriram
for M/s.A.S.Kailasam Associates
For Respondent : Mr.Jayaprakash Narayanan
Government Pleader

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. The petitioner seeks for a mandamus directing the respondent to consider their representation dated 20.07.2020 and carry out consequential action mandated upon in under the provisions of the Drugs and Cosmetics Act, 1940 and Rules thereof .

3. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondent.

4. The petitioner Company is the manufacturer of medicine called "Feracrylum" under the brand name "Sepgard". It is stated that the said medicine is haemostatic antimicrobial gel.

The grievance of the petitioner is that another Company called Deo Pharmaceuticals Private Limited is manufacturing spurious product purportedly containing the same API as found in the petitioners' medicine and marketing in the name "Hemocryl" by Sahnisons manufacturing company. Therefore the petitioner made a representation before the respondent on 20.07.2020 for taking action. Since the said representation has not been considered so far, the present writ petition is filed before this court.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, since it is for the respondent to consider and decide after hearing the petitioner as well as the other Company against whom, the petitioner has made allegation. Accordingly, without expressing any view on the merits of the matter, this Writ Petition is disposed of, only with a direction to the respondent to consider the application filed by the petitioner dated 20.07.2020 and pass orders on the same on merits and in accordance with law, after hearing the petitioner as well as the Company, against whom the petitioner has made allegation and give them due opportunity of personal hearing as well. Such exercise shall be done by the respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Director,
Office of the Director of Drugs,
Drugs Control Administration,
Through its Director,
No.359, Anna Salai,
Teynampet, Chennai 600 018.

+1cc to the Government Pleader in SR.NO..29513 dated:09/09/2020

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AJS (CO)
RV(08/10/2020)