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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11346/2019 & CM APPL. 46769/2019, 2833/2020**
NOVARTIS AG Petitioner

Through: Ms. Mamta Jha & Mr. Ankit Arvind,
Advocates (M-9873603089)

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Kirtiman Singh, CGSC with Mr.
Rohan Anand, Mr. Waize Ali Noor,
Advocates for UOI.
Mr. Rajeshwari & Mr. Saif Rahman
Ansari, Advocate (M-7409531351)

CORAM:
JUSTICE PRATHIBA M. SINGH

% **ORDER**
29.01.2020

Ld. counsel for the Petitioner seeks to withdraw the present petition as it is submitted that the IPAB is currently functioning and the hearing has in this matter has been fixed for 19th February, 2020. Accordingly, the petition is dismissed as withdrawn.

It is submitted by ld. counsel for the Respondents that the Technical Member who is currently functioning in the IPAB is looking after the Protection of Plant Varieties and Farmers' Rights Act, 2001 and therefore, considering the order in *Mylan Laboratories Limited v Union of India WP (C) 5571/2019 (Decided on 8th July, 2019)*, the Board can seek assistance of any other expert in the field of pharmaceuticals. Let a request to this effect be made to the Chairman, IPAB, who shall consider the same.

Considering the delay which has already occurred in this matter due to the non-functioning of the IPAB, it is requested that the matter be decided expeditiously.

If the IPAB is non-functional for any reason, then the parties are permitted to avail of their legal remedies.

The next date of hearing is cancelled.

PRATHIBA M. SINGH, J.

JANUARY 29, 2020

Rahul