

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1922 OF 2022**

Nadie Jauhri ...Petitioner
Versus
Union of India & Ors ...Respondents

Mr Sushant Valimbe, with Hansika Sable, for the Petitioner.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 1st March 2022**

PC:-

1. This Petition dismisses itself. The Petitioner claims to be a Social Activist who aims to promote fair trade practices in business since 2005. That may well be so but it is of complete irrelevance.

2. The target of this Petitioner is Respondent No.8, Pfizer Limited (“**Pfizer**”), a pharmaceutical company. The Petitioner has a complaint against one of its pharmaceutical formulations, “Chloromycetin Aplicaps”. This is an eye ointment. The Petitioner alleges that he purchased this product but found that details such as the Log number, Batch number, MRP, Manufacturing Date, Expiry Date and Manufacturing Licence number were absent. There are no details given of this purchase at all. No date is mentioned. No

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invoice is annexed. The Petitioner immediately jumps to the conclusion that it is Pfizer that is putting out spurious and counterfeit products *in its own name*, and therefore, demands a writ of mandamus that the Food and Drugs Administration proceed against Pfizer.

3. The suggestion is ex facie not credible.

4. What is also not answered is that this Petition is hit by gross and unexplained delay amounting to laches. The dates seem to go back to at least 2015 if not earlier. There is no explanation at all for this delay. The law is settled. Any such delay must be explained. The law will not aid the indolent. Just because a petitioner lays claim to some higher calling — or a calling that sounds higher — the law requiring an explanation for delay will not disregarded.

5. The Petitioner is apparently equally unaware that there is an entire illicit industry making counterfeit and spurious products. Some of us have dealt with these cases while taking up Intellectual Property matters where the plaintiffs have been not only pharmaceutical manufacturers but also other commercial entities. Indeed for one prominent FMCG company, there is at least one case where it was reported that there is an entire village that does nothing except make counterfeits of that company's products. This is equally true of the pharmaceutical industry. There is no reason to accept the Petitioner's assumption as correct that it is Pfizer that is engaged in making spurious or counterfeit versions of its own

licensed pharmaceutical preparations. Indeed this suggestion is absurd.

6. There is no merit whatsoever in this Petition. It is rejected.
No costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)