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

+ **W.P.(C) 6680/2024**

ALKEM LABORATORIES LTD

..... Petitioner

Through: Mr. Amit Sibal, Sr. Advocate with
Mr. Saksham Dhingra, Mr. Ankur
Vyas, Mr. Rishabh Sharma, Mr.
Anshuman Sharma and Mr. Azaz
Ahmed, Advocates.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Kirtiman Singh, CGSC with Ms.
Vidhi Jain and Mr. Waize Ali Noor,
Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.05.2024

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CM APPL. 27835/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6680/2024, CM APPL. 27834/2024

1. The present Writ Petition has been filed with the following prayers:

“a. That this Hon’ble Court be pleased to pass a Writ of Mandamus or any other Writ or Order or Direction for quashing / setting aside the Demand Notice dated 10.01.2023 (Annexure P-1 hereto), and the preceding Show Cause Notice dated 11/20.06.2018 (Annexure P-25).

b. That stay the said impugned Demand Notice dated 10.01.2023 (Annexure P-1) issued by the National



Pharmaceutical Pricing Authority (NPPA), Department of Pharmaceuticals, Ministry of Chemical and Fertilizers, Govt. of India during the pendency of Petition; and c. And for such other reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present Petition.”

2. Learned Counsel for the Petitioner states that the present Writ Petition be disposed of on the basis of the Order dated 15.03.2024, passed by this Court in W.P.(C) 3650/2024.

3. Order dated 15.03.2024 in W.P.(C) 3650/2024 reads as under:

“1. The Petitioner has approached this Court challenging the demand notice dated 10.10.2023 wherein the Petitioner has been asked to pay a sum of Rs.1,16,28,865/- on the basis of S.O. No. 2046 (E) dated 05.07.2013 and S.O. No. 644 (E) dated 02.03.2016 and S.O. No. 1951 (E) dated 02.06.2016.

2. Learned Counsel for the Petitioner draws the attention of this Court to the Show Cause Notice dated 12.04.2018/16.04.2018 and state that it does not deal with two of the abovementioned notifications, namely, S.O. No. 2046 (E) dated 05.07.2013 and S.O. No. 644 (E) dated 02.03.2016.

3. In view of the above, this Court is inclined to set aside the impugned Order.

4. Let the impugned Order be read as a Show Cause Notice. The Petitioner is directed to give a reply to the said Show Cause Notice within six weeks and the Respondents are directed to consider the same and pass a reasoned Order within three weeks from the date of receipt of the reply in accordance with law.

5. With these observations, the Writ Petition is



disposed of along with the pending applications, if any.”

4. It is stated by the learned Senior Counsel appearing for the Petitioner that the demand notice deals with notification No.1804 dated 21.06.2013; notification No.1156 dated 28.04.2014; notification No.644 dated 02.03.2016; notification No.3181 dated 07.10.2016, whereas the Show Cause Notice deals only with notification No.3181 dated 07.10.2016.

5. Keeping in view the Order dated 15.03.2024, the impugned Order is set aside. Let the impugned Order be read as a Show Cause Notice. The Petitioner is directed to a reply to the impugned Order within six weeks from today. The Respondents are directed to consider the reply and pass a reasoned Order within three weeks from the date of receipt of the reply in accordance with law.

6. With these directions and observations, the Writ Petition is disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

MAY 09, 2024

Rahul