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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 310/2020, CM APPL. 26762/2020 –Stay, CM APPL. 26764/2020 -Delay 222 days, CM APPL. 33523/2020 –Intervention & CM APPL. 35819/2022 -Delay 161 days

UNION OF INDIA & ANR.

..... Appellants

Through: Mr.Kirtiman Singh, CGSC,
Ms.Manmeet Kaur Sareen & Ms.Vidhi Jain, Advs.
for UOI.

Ms.Nidhi Raman, CGSC with Mr.Zubin Singh,
Adv.

versus

OBSURGE BIOTECH LTD

..... Respondent

Through: Mr.Udit Chauhan, Mr.Aditya P Arora
& Ms.Kashish Khurana, Advs.

Ms.Archana Sahadeva, Adv. for intervenor.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

04.03.2024

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1. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 06.02.2020 passed by the learned Single Judge in W.P.(C) 1586/2016. Vide the impugned order, the learned Single Judge has set aside the demand notices issued by the appellants by directing the appellants to *inter alia* grant the benefit of rounding off of the Maximum Retail Price (MRP) of the formulation for which purpose the appellants were granted liberty to re-initiate an enquiry based on the observations made in the impugned judgment.
2. The record shows that the present appeal was being adjourned from



time to time to await the outcome of **LPA 118/2023** titled *Union of India and Anr v. Bharat Serums and Vaccines Limited* i.e., the appeal which was filed assailing the order dated 22.09.2022 passed by the learned Single Judge in **WP(C) 7946/2018** titled *Bharat Serums And Vaccines Limited v. Union of India and Anr inter alia* directing the appellant to grant the benefit of rounding off of the MRP to the manufacturer. Both sides agree that the issue raised in *Bharat Serums (supra)* was the same as dealt with in the impugned order. They further submit that since the decision dated 22.09.2022 passed by the learned Single Judge was assailed before the Division Bench by way of LPA 118/2023, which stands disposed of on 08.11.2023 and the review petition filed seeking review thereof also stands disposed of on 15.12.2023, the parties will now be governed by the directions issued by the Division Bench on 08.11.2023 in LPA 118/2023 qua rounding off read with the review order passed on 15.12.2023.

3. Having considered the rival submissions of the parties, we are of the considered view that since the orders dated 08.11.2023 and 15.12.2023 passed in the aforesaid LPA and review thereto, have till date not been assailed by any of the parties, the present appeal is liable to be disposed of in terms of orders passed in LPA 118/2023.
4. The present appeal is, accordingly, disposed of by directing that the parties will instead of being governed by the directions issued under the impugned order, be governed by the directions issued by the Division Bench in LPA 118/2023 in its order dated 08.11.2023 as also the review order dated 15.12.2023.
5. The appeal along with the pending applications is, accordingly,



disposed of in the aforesaid terms.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 4, 2024/kk