



2025:DHC:6011-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ FAO(OS) (COMM) 115/2025, CM APPL. 43752/2025, CM APPL. 43753/2025, CM APPL. 43754/2025 & CM APPL. 43755/2025

NOVO NORDISK AS

.....Appellant

Through: Mr. Neeraj Kishan Kaul, Sr. Adv. with Mr. Hemant Singh, Ms. Mamta Jha, Mr. Siddhant Sharma, Mr. Rishabh Paliwal, Mr. Abhay Tandon, Ms. Ira S Mahajan, Ms. Pritha Suri, Mr. Varad Kolhe, Mr. Saumitr Malviya and Mr. Udit Sidhra, Adv.

versus

DR REDDYS LABORATORIES
LIMITED & ANR.

.....Respondents

Through: Mr. Mukul Rohtagi, Mr. Abhishek Manu Singhvi, Mr. Gaurav Pachnanda and Mr. J. Sai Deepak, Sr. Adv. with Mr. Sidhant Goel, Mr. Mohit Goel, Mr. Aditya Goel, Mr. Deepankar Mishra and Mr. Kartikeya Tandon, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)
23.07.2025

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C. HARI SHANKAR, J.

1. This is an appeal instituted by the appellant under Section 13 of



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the Commercial Courts Act, 2015, aggrieved by an order dated 29 May 2025, passed by a learned Single Judge of this Court in IA 14076/2025 under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 in CS(Comm) 565/2025¹.

2. The order, to the extent it is under challenge, reads thus:

“I.A. 14076/2025 (O-XXXIX Rule 1 & 2 of CPC)

17. Issue Notice.

18. Notice is accepted by counsel appearing on behalf of defendants no.1 and 2.

19. Reply(ies) be filed within four (4) weeks.

20. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

21. Dr. Abhishek Manu Singhvi and Mr. Mukul Rohatgi, Senior Counsel appearing on behalf of the defendants no.1 and 2 respectively, submit as under:-

i. The defendants have a licence to manufacture the impugned drug, which was granted in December 2024, and have begun manufacturing the impugned drug in April 2025.

ii. The defendants do not have a licence to sell the impugned drug in India till date. Therefore, the defendants shall not sell the impugned drug in India. However, the defendants reserve their right to export the impugned drug in countries where the plaintiff has not been granted a patent yet.

22. The aforesaid statements are taken on record. Dr. Singhvi and Mr. Rohatgi submit that the aforesaid statements shall bind the defendants till the next date of hearing.

¹ Novo Nordisk AS v Dr. Reddys Laboratories Ltd



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23. Mr. Sandeep Sethi, Senior Counsel submits that as per the scheme of the Patent Act, 1970, even the export of an infringing product amounts to infringement.

24. The aforesaid submission as well as other submissions of the parties shall be considered on the next date of hearing after pleadings in the application are complete.

25. List on 19th August, 2025.”

3. The learned Single Judge has bound the respondents, as the defendants in the suit, to the statement that they would not sell the drug which is forming subject matter of the dispute in India. However, apropos the aspect of export of the drug, while recording the statement of learned Senior Counsel for the appellants that export also tantamounts to infringement, no finding has, thereafter, been recorded thereon *prima facie* or otherwise, and the issue has merely been relegated for consideration at a later date.

4. We are of the view that the learned Single Judge ought to have returned some finding on the submission of the respondents with respect to export of the drug, or to have provided some reason as to why he was deferring the issue to a later date.

5. In that view of the matter, with consent of learned Counsel for all sides, we advance the date fixed in IA 14076/2025, which presently stands at 19 August 2025, to 31 July 2025.

6. Learned Counsel for the respondents undertake to file their reply to IA 14076/2025 positively by 25 July 2025. Rejoinder, if any,



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may be filed at least 24 hours in advance of the next date of hearing.

7. Learned Counsel for both sides have also undertaken not to take any adjournment on the next date of hearing

8. Given the nature of the dispute, we request the learned Single Judge to take up IA 14076/2025, apropos the prayer for *ad interim* relief on that date and decide it as expeditiously as possible.

9. We may note that learned Senior Counsel for the respondents has advanced an argument that the revocation filed by them to the patent of the appellant should also be taken up on the said date. We are not expressing any opinion on the said submission.

10. All contentions of facts and law shall remain open to be urged before the learned Single Judge.

11. The appeal stands disposed of in the above terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

JULY 23, 2025

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