



2026:DHC:1554



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6333/2021 and CM APPL. 19953/2021**

Date of Decision: **12.02.2026****SOFTESULE PRIVATE LIMITED**

.....Petitioner

(Through: Ms Gurkamal Hora Arora Advocate.)

versus

UNION OF INDIA & ANR.

.....Respondents

*(Through: Mr Vikram Jetly, CGSC with Ms. Shreya Jetly Advocate.)***CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The present petition impugns the order dated 17.03.2021 passed by the respondent no. 2, whereby a demand of Rs. 1,57,79,895/- towards principal amount has been raised against the petitioner, towards the alleged overcharging by the petitioner along with uncalculated interest as per the provisions of the Drugs (Price Control) Order, 1995 (hereinafter “**DPCO, 1995**”) 1995 and the Essential Commodities Act, 1955 (hereinafter “**ECA, 1995**”) up to the date of actual payment.

2. The issue involved in the instant writ petition is covered by the decision of this Court in *Best Laboratories Pvt. Ltd. v. Union of India and*

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Ors.¹ The said decision has been affirmed by the Division Bench of this Court in LPA No. 891/2011 and other connected matters *vide* judgment dated 19.12.2025.² The Division Bench in the said decision framed two main issues which the Union of India had raised in the appeals. The issues read as under:

“6. The two main issues that Union of India has raised in these Appeals are as follows:-

- (a) The issue with respect to the recovery of the trade margin of 16% as overcharge amount, and*
- (b) The issue with respect to liability to pay interest in respect of the period prior to the order directing the deposit of overcharged amount.”*

Both the questions were answered against the Union of India and in favour of the respondent(s) therein.

3. Since undisputedly the question of law involved in the instant petition has been answered to favour the petitioner herein, there is no reason as to why benefits similar to those granted to the petitioners in the aforementioned petitions should not be granted to the petitioner.

4. In view of the aforesaid, the Court finds that the order passed in W.P.(C) 639/2009 and other connected petitions will have application in the facts of the instant case. Accordingly, the directions passed in the said decision be made applicable *mutatis mutandis* to the petitioner in the instant petition.

5. With the aforesaid observations, the instant petition stands disposed of

¹ W.P. (C) 639/2009, reported as 2011 SCC OnLine Del 2487 : 2011:DHC:3009.

² 2025:DHC:11575-DB.



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along with all pending applications.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

FEBRUARY 12, 2026
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