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

\# **CNR No. DLHC010511402026**

\+ FAO(OS) (COMM) 287/2026 & CM APPL. 73532/2026, CM APPL. 73533/2026, CM APPL. 73534/2026

BDR PHARMACEUTICALS INTERNATIONAL PRIVATE LIMITED & ANR. .....Appellants

Through: Mr. J. Sai Deepak, Senior Advocate with Ms. Meenakshi Ogra, Mr. Samrat S. Kang, Mr. Tarun Khurana and Mr. Vishnu Gambhir, Advs.

versus

NOVARTIS AG & ANR. .....Respondents

Through: Mr. Amit Sibal, Senior Advocate with Mr. Hemant Singh, Ms. Mamta R. Jha, Mr. Abhay Tandon, Ms. Kriti Chulet, Mr. Viraj Thakur, Mr. Vivek N. G., Ms. Janhavi Miglani, Ms. Aditi, Mr. Ritik, Ms. Smriti Nair and Mr. Saksham Dhingra, Advs.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE NISHA SAHAY SAXENA

O R D E R

% 28.10.2026

1. The present appeal is preferred against the directions contained in paragraph 26 of the order dated 17.08.2026 **("Impugned Order")** passed by the Ld. Single Judge in I.A No. 7597/2026 in CS (COMM) 293/2026. The relevant paragraph of the impugned order reads as under:

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> "*26. In the circumstances obtaining in the matter, and in view of the defendants' own submission that they are nowhere close to obtaining a license for manufacturing, distributing or marketing 'DABRAFENIB' as an API or as tablets, it is directed that before taking any steps towards commercial manufacturing or launch of 'DABRAFENIB' as an API or as tablets for export and/or for the domestic market, as indicated in the RTI response extracted above, the defendants shall move an appropriate application before this court seeking prior approval for that purpose. On such application being moved, this court would consider if any further orders are required to be passed in relation to the relief prayed for by the plaintiffs in this application.*"

2. Heard, counsel for the parties.

3. With the consent of the parties, the following order is being passed in modification to the order dated 17.08.2026 passed by learned Single Judge.

a. Appellants have made a categorical statement that they have as yet not applied for any license under Form-25 till date.

b. They further agree that they have no intention to undertake manufacturing or sale of 'DABRAFENIB' at this stage and further state that in the event appellants were to, at a later stage, manufacture the said compound either as an API or as formulation, the appellants shall give four weeks prior notice to the respondents.

c. The parties shall remain bound with the aforesaid statements.

4. The order dated 17.08.2026 of learned Single Judge is set aside. The appeal stands disposed of in the aforementioned terms.

VIVEK CHAUDHARY, J

NISHA SAHAY SAXENA, J

OCTOBER 28, 2026/VP/jd

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