

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 423 OF 2003

ALL INDIA DRUG ACTION NETWORK AND ORS. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)

(With appln(s) for permission to submit additional document(s) and permission to file additional affidavit)

Date: 11/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Colin Gonsalves, Sr.Adv.
Mr.Tariq Adeeb, Adv.
Ms.Jubli Momilia, Adv.
Ms.Jyoti Mendiratta, Adv.

For Respondent(s) Mr.Sidharth Luthra, ASG
Mr.R.K.Rathore, Adv.
Mr.A.K.Srivastava, Adv.
Mr.Anirudh Sharma, Adv.
Ms.Sukhbeer Kaur Bajwa, Adv.
Ms.Gargi Khanna, Adv.
Mr. Shreekant N. Terdal, Adv.

For OPPI Mr.Uday U.Lalit, Sr.Adv.
Mr.Bhaskar Bhattacharya, Adv.
Mr.Navnit Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

In the pre-lunch session, detailed arguments were advanced by the learned Additional Solicitor General, Shri U.U.Lalit, learned senior counsel representing the Organisation of Pharmaceuticals Producers of India as also Shri Colin Gonsalves, learned senior counsel for the petitioners.

In response to the peristent query made by the Court, learned Additional Solicitor General stated that he will be able to take instructions and indicate in the post-lunch session as to within what time the Government will take final decision on the new Policy.

In the post-lunch session, learned Additional Solicitor General placed before the Court letter received by him from the Secretary, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers. The relevant portions of that letter are reproduced below:

"This is with reference to our telephonic conversation on the on going hearing in the matter in the Hon'ble Supreme Court today.

The Union Cabinet will be in a position to take a decision on a National Pharmaceutical Pricing Policy by mid November, 2012. For this purpose a Cabinet Note is being submitted by 15th October, 2012 for its consideration and decision.

The Department of Pharmaceuticals will be in a position to notify the new policy within a week of being apprised of the Cabinet decision.

However, no commitment can be made on the parameters of the policy, as this lies within the domain of the Cabinet and the Cabinet will determine the issue of price fixation."

Since the Government has now indicated a definite time schedule for taking a decision in the matter, we deem it proper to adjourn the case to 27.11.2012.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master