

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS APPLICATION NO. 600 OF 2018

IN

CIVIL APPEAL NOS. 23405-23472 OF 2017

UNION OF INDIA AND ORS.

Appellant(s)

VERSUS

M/S BIOLOGICAL E LTD. AND ORS. ETC. ETC.

Respondent(s)

WITH

MA 1729/2018 in T.C.(C) No. 30/2017

MA 2466/2018 in C.A. Nos. 22982-23404/2017

MA 2470/2018 in C.A. Nos. 22982-23404/2017

MA 2533/2018 in C.A. Nos. 22982-23404/2017

MA 2535/2018 in C.A. Nos. 22982-23404/2017

MA 2570/2018 in C.A. Nos. 22982-23404/2017

MA 2574/2018 in C.A. Nos. 22982-23404/2017

MA 2856-2864/2018 in C.A. Nos. 22973-22981/2017

MA 2810/2018 in C.A. Nos. 22982-23404/2017

O R D E R

M.A. 2570/2018 in C.A.Nos. 22982-23404/2017, M.A. 2574/2018 in C.A. Nos. 22982-23404/2017 & M.A. No. 2810/2018 in C.A. Nos. 22982-23404/2017:

Insofar as the above applications are concerned, the Government has issued notifications the effect of which is to

remove the ban on the Fixed Dose Combinations that is involved in these applications, manufactured by Cipla Ltd. And Unison Pharmaceuticals Ltd. & Medopharm Pvt. Ltd.

These Applications are, therefore, disposed of as being infructuous.

M.A. No. 600/2018 in C.A. No. 23405-23472/2017, M.A. No. 1729/2018 in T.C. (C) No. 30/2017, M.A. No. 2466/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2470/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2533/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2535/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2574/2018 in C.A. Nos. 22982-23404/2017 & M.A. 2856-2864/2018 in C.A. Nos. 22973-22981/2017:

Insofar as the above applications are concerned, the drugs in question i.e. *Paracetamol + Propyphenazone + Caffeine/Ammonium Chloride + Sodium Citrate + Chlorpheniramine Maleate + Menthol/Salbutamol+ Hydroxyethyltheophylline (Etofylline) + Bromhexine/Chlorpheniramine Maleate + Ammonium Chloride + Sodium Citrate* claim to be manufactured pre-1988. Hence, they would be at par with the list of 15 drugs that were referred to in our judgment in Union of India & Anr. vs. Pfizer Limited & Ors. (2018) 2 SCC 39.

Insofar as these drugs are concerned, they may be continued to be manufactured/distributed and sold notwithstanding any notifications that may have been issued, and will be subject to the same directions as that contained for the 15 drugs that are pre-1988 in para 36 of our judgment.

These Applications stand disposed of accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(VINEET SARAN)

New Delhi;
February 14, 2019.

ITEM NO.3

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MA 600/2018 in C.A. No(s). 23405-23472/2017

UNION OF INDIA AND ORS.

Petitioner(s)

VERSUS

M/S BIOLOGICAL E LTD. AND ORS. ETC. ETC.

Respondent(s)

IA No. 133675/2018 - CLARIFICATION/DIRECTION
IA No. 152036/2018 - INTERVENTION/IMPLEADMENT
IA No. 33438/2018 - MODIFICATION OF COURT ORDER
IA No. 143839/2018 - WITHDRAWAL OF CASE/APPLICATION

WITH

MA 1729/2018 in T.C.(C) No. 30/2017 (XVI-A)
(FOR MODIFICATION ON IA 55843/2018)

MA 2466/2018 in C.A. Nos. 22982-23404/2017 (XIV)
(FOR MODIFICATION ON IA 132849/2018
FOR impleading party ON IA 137856/2018
FOR INTERVENTION/IMPLEADMENT ON IA 137856/2018
FOR CLARIFICATION/DIRECTION ON IA 137861/2018
FOR impleading party ON IA 151576/2018
FOR MODIFICATION ON IA 151637/2018
FOR impleading party ON IA 175687/2018
FOR MODIFICATION ON IA 175696/2018)

MA 2470/2018 in C.A. Nos. 22982-23404/2017 (XIV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 134250/2018)

MA 2533/2018 in C.A. Nos. 22982-23404/2017 (XIV)
IA No. 136650/2018 - MODIFICATION

MA 2535/2018 in C.A. Nos. 22982-23404/2017 (XIV)
(FOR CLARIFICATION/DIRECTION ON IA 136861/2018
FOR impleading party ON IA 152056/2018

MA 2570/2018 in C.A. Nos. 22982-23404/2017 (XIV)
(FOR CLARIFICATION/DIRECTION ON IA 137032/2018)

MA 2574/2018 in C.A. Nos. 22982-23404/2017 (XIV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 137640/2018
FOR MODIFICATION ON IA 138941/2018)

MA 2856-2864/2018 in C.A. Nos. 22973-22981/2017 (XIV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 152405/2018)

**MA 2810/2018 in C.A. Nos. 22982-23404/2017 (XIV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 154919/2018)**

Date : 14-02-2019 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE VINEET SARAN**

For Parties:

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 Mr. Dheeraj Nair, AOR

Mr. Mahesh Agarwal, Adv.
 Mr. Rishi Agarwala, Adv.
 Ms. Devika Mohan, Adv.
 Mr. Joran Diwan, Adv.
 Mr. E.C. Agrawala, AOR

Mr. Ashwin Sapra, Adv.
 Mr. Biplab Lenin, Adv.
 Ms. Shraddha Kulshreshtha, Adv.
 For M/s Cyril Amarchand Mangaldas, AOR

Mr. Arunabh Chowdhury, Adv.
 Mr. Vaibhav Tomar, Adv.
 Ms. Pragya Bhagel, Adv.

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

M.A. 2570/2018 in C.A.Nos. 22982-23404/2017, M.A. 2574/2018 in C.A. Nos. 22982-23404/2017 & M.A. No. 2810/2018 in C.A. Nos. 22982-23404/2017:

These Applications are disposed of as being infructuous in terms of the signed order.

M.A. No. 600/2018 in C.A. No. 23405-23472/2017, M.A. No. 1729/2018 in T.C. (C) No. 30/2017, M.A. No. 2466/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2470/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2533/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2535/2018 in C.A. Nos. 22982-23404/2017, M.A. No. 2574/2018 in C.A. Nos. 22982-23404/2017 & M.A. 2856-2864/2018 in C.A. Nos. 22973-22981/2017:

These Applications stand disposed of in terms of the signed order.

(R. NATARAJAN)
 COURT MASTER (SH)

(HARI SWAROOP PARASHER)
 ASSISTANT REGISTRAR

(Signed order is placed on the file)