

\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1075/2020**

GLENMARK PHARMACEUTICALS LTD & ANR Petitioners
Through **Mr.Arvind K. Nigam, Sr. Adv.with**
Mr.Debhalya Banerjee, Ms.Meghna
Mishra, Mr.Rohan Sharma, Mr.Kartik
Bhatnagar, Mr.Deeraj P.Deo,
Ms.Shruti Katakey and Mr.Vardaan
Wanchoo, Advs.

versus

UNION OF INDIA & ANR Respondents
Through **Mr.Kirtiman Singh, CGSC and**
Mr.Sreevats, GP, Mr.Rohan Anand
and Mr.Waize Ali Noor, Adv. for
UOI.
Mr.Shubham Gandhi, Adv. for
Ms.Vinny Shangloo,GP.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% 29.01.2020

CM No.3547/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 1075/2020 & CM Nos.3546/2020, 3548/2020

This petition challenges the Show Cause Notice dated 11.10.2019 and the Communication dated 02.01.2020 issued by the respondent no.2, primarily holding that the petitioner was to make an application for seeking exemption under Clause 32 of the Drugs (Prices Control) Order, 2013 (DPCO) and having failed to do so, is liable to be proceeded against.

During the course of the arguments, the learned counsel for the respondents has submitted that, without prejudice to the rights and contentions of the respondents, the respondent no.2 shall grant an opportunity of hearing to the petitioner to determine if otherwise the petitioner is entitled to the benefit under Clause 32 of the DPCO. He further submits that in case the petitioner is held entitled to the benefit under Clause 32 of DPCO, the consequential order would follow.

In view of the above statement, the Impugned Order shall not be given effect to till the respondent no.2 takes a decision in accordance with the statement made hereinabove.

Needless to state, in case the petitioner is aggrieved of the decision taken by the respondent no.2, it shall always be open to the petitioner to challenge the same in accordance with the law.

It is further clarified that this Court has not expressed any opinion on the merit of the claim of the petitioner.

The petition is disposed of in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

JANUARY 29, 2020/Arya