

ITEM NO.13

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7061/2017

(Arising out of impugned final judgment and order dated 01-12-2016 in WPC No. 2212/2016 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

PFIZER LIMITED & ORS.

Respondent(s)

(IA No.62184/2017-STAY APPLICATION In Connected Case T.P.(C) No.001176-001182/2017 and and IA No.76016/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS [AS FIRST ITEM ON 24.10.2017])

WITH

SLP(C) No. 10170-10178/2017 (XIV)

Diary No(s). 9155/2017 (XIV)

(and IA No.61207/2017-CONDONATION OF DELAY IN FILING and IA No.61208/2017-CONDONATION OF DELAY IN REFILING and IA No.61209/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.90713/2017-impleading party and IA No.91703/2017-impleading party)

T.C.(C) No. 29/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 30/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 31/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 32/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 33/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 34/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 35/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 36/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 38/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 39/2017 (XVI -A)
(FOR ADMISSION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 80773/2017 EXEMPTION FROM FILING O.T. ON IA 80777/2017)

T.C. (C) No. 40/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 41/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 42/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 43/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 44/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 45/2017 (XVI -A)
(FOR ADMISSION)

T.P. (C) No. 1176-1182/2017 (XVI -A)
(IA No.62184/2017-STAY APPLICATION in T.P. (C) No. 1176 of 2017 only. and IA No.66886/2017-STAY APPLICATION in T.P. (C) No. 1180 of 2017 and IA No.66901/2017-STAY APPLICATION in T.P(C) No. 1181 of 2017 and IA No.66905/2017-STAY APPLICATION in T.P(C) No. 1182 of 2017 and IA No.66948/2017-STAY APPLICATION in T.P(C) No. 1178 of 2017 and I.A's is to be listed ONLY.)

T.C. (C) No. 258/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 259/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 260/2017 (XVI -A)
(FOR ADMISSION)

T.C. (C) No. 261/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 262/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 263/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 264/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 265/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 266/2017 (XVI -A)
(FOR ADMISSION)

Date : 24-10-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s)	Ms. Pinky Anand, ASG, Mr. Kirtiman Singh, Adv. Mr. Rishikant Singh, Adv. Mr. Waize Ali Noor, Adv. Mr. Amit Mahajan, Adv. Mr. Prateek Dhanda, Adv. Ms. Snidha Mehra, Adv. Mr. Wasim A.Qadri, Adv. Mr. Anmol Chandra, Adv. Ms. Vimla Sinha, Adv. Mr. Sanjay Kumar Pathak, Adv. Mr. Zaid Ali, Adv. Mr. Gurmeet Singh Makker, AOR Mr. Colin Gonsalves, Sr. Adv. Ms. Tanya Agarwal, Adv. Mr. Satya Mitra, AOR Mr. Rajat Jariwal, Adv. Ms. Saman Ahsan, Adv. Mr. Akshay Mahajan, Adv. Mr. Sanjeev K.Kapoor, Adv. M/s. Khaitan & Co., AOR Mr. Rohit Rathi, Adv. Mr. Peoul Pathak, Adv. Mr. Apoorv Kurup, AOR
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Mr. Ajay Kumar Arora, Adv.
Ms. Tatini Basu, AOR

Mr. Gurmeet Singh Makker, AOR

Mr. Ashwani Kumar, AOR

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

Having heard learned counsel for the parties for some time, we are of the view that in the event of the impugned judgment is being set-aside, there would be two courses open to us namely, either to send back all the matters on points that have not been adjudicated or to refer only certain categories of cases to the Expert Board set up under Section 5 of the Drugs and Cosmetics Act, 1940. We, therefore, grant a period of two weeks in which the petitioners and respondents will categorise 349 cases that have been interdicted by notification under Section 26A as follows:

- 1) all cases that are pre 21st September, 1988
- 2) those cases which are after 21st September, 1988 but in which no approvals by the Drugs Controller General of India DCG(I) have been granted.
- 3) those cases which are post 21st September, 1988 in which no such approvals have been granted.

A further categorisation also requires to be made depending upon the Kakate Committee's report finding namely, the number of cases which fall under category one of Section 26(A) which speaks of drugs involving any risk to human beings or animals; (2) those cases involving drugs which do not have the therapeutic value

claimed or purported to be claimed (3) those drugs which contain ingredients in such quantity for which there is no therapeutic justification.

Apart from this, we are also informed that there are cases of apparent perversity which may separately be categorised. Armed with this information, ultimately necessary directions may have to be issued in respect of some of the categories above-mentioned.

During the course of hearing of these petitions, we have been informed that a number of SLPs/T.Ps. have not been listed before us because of non-removal of defects. We order that all SLPs/T.Ps whether defective or otherwise be listed on the next date of hearing i.e. tomorrow, on 25.10.2017, along with these matters.

(SHASHI SAREEN)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER