

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4005 OF 2004

UNION OF INDIA & ORS. APPELLANT (s)

VERSUS

M/S. MARTIN & HARRIS LAB. LTD. & ANR. RESPONDENT (s)

O R D E R

We have heard learned counsel for the parties. We are not inclined to decide the question whether *Diosmin* was rightly included in Schedule I of the Drugs (Prices Control) Order, 1995 in view of the decision rendered by this Court in Secretary, Ministry of Chemicals & Fertilizers, Government of India Vs. Cipla Ltd. and Others [(2003) 7 SCC 1]. To this extent, we remand the matter back to the High Court for reconsideration in view of the said decision.

Judgment reserved on the other issues.

.....J.
(MADAN B. LOKUR)

.....J.
(R.K. AGRAWAL)

NEW DELHI
SEPTEMBER 15, 2016

ITEM NO.3

COURT NO.7

SECTION XI

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

Civil Appeal No(s).329/2005

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

M/S. CIPLA LTD. & ANR.

Respondent(s)

(With appln.(s) for intervention and permission to file affidavit)

WITH

C.A. No. 4005/2004

(With Office Report)

SLP(C) No. 15583-15584/2005

(With Office Report)

SLP(C) No. 15831/2013

(With Office Report)

SLP(C) No. 22788/2013

(With Office Report)

SLP(C) No. 19174-19197/2014

Date : 15/09/2016 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s)

Mr. Ranjit Kumar, SG
Mr. Rana Mukherjee, Sr. Adv.
Mr. Prateek Jalan, Adv.
Mr. Aman Ahluwalia, Adv.
Ms. Sunita Gautam, Adv.
Ms. Movita Prateek, Adv.
Mr. G.S. Makkar, Adv.
Mr. Abhinav Mukherjee, Adv.
Mr. Rahul Kripalani, Adv.
Mr. Ankit Yadav, Adv.
Mr. Shreekant N. Terdal, AOR
Mr. B. Krishna Prasad, AOR
Mr. B. V. Balaram Das, AOR

15583-15584/2005

Mr. Parag P. Tripathi, Sr. Adv.
Ms. Neelima Tripathi, Adv.
Mr. Shikhar Khare, Adv.

Dr. Kailash Chand, AOR
 Mr. D.D. Majumdar, Adv.
 Ms. Mishika Bajpai, Adv.
 Mr. K. V. Mohan, AOR

For Respondent(s)

CA329/2005

19174-19197/14

Mr. Kapil Sibal, Sr. Adv.
 Mr. P. Chidambaram, Sr. Adv.
 Mr. Soli Cooper, Sr. Adv.
 Mr. R.N. Karanjawala, Adv.
 Ms. Ruby Singh Ahuja, Adv.
 Ms. Suman Yadav, Adv.
 Mr. Karan Dev Chopra, Adv.
 Mr. Milinda Sharma, Adv.
 Mrs Manik Karanjawala, AOR
 for M/s. Karanjawala & Co.

CA4005/04

Mr. C.S. Vaidhyanathan, Sr. Adv.
 Mr. H.L. Tikku, Sr. Adv.
 Ms. Yashmeet Kaur, Adv.
 Mr. Shubhankar Sengupta, Adv.
 Mr. Ashok K. Mahajan, AOR

Ms. Asha Jain Madan, AOR

Mr. Mahesh Agarwal, Adv.
 Mr. Ankur Saigal, Adv.
 Mr. E. C. Agrawala, AOR

Mr. U.A. Rana, Adv.
 Mrs. Mrinal Elkar Mazumdar, Adv.
 Mr. Avirat Kumar, Adv.
 for M/s Gagrat & Co.

Mr. Shreekant N. Terdal, AOR

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

C.A. No. 4005/2004

We have heard learned counsel for the parties. We are not inclined to decide the question whether *Diosmin* was rightly included in Schedule I of the Drugs (Prices Control) Order, 1995 in view of the decision rendered by this Court in Secretary, Ministry of Chemicals & Fertilizers, Government of India Vs. Cipla Ltd. and

Others [(2003) 7 SCC 1]. To this extent, we remand the matter back to the High Court for reconsideration in view of the said decision.

Judgment reserved on the other issues.

C.A.No.329/2005, C.A. No. 4005/2004, SLP(C) No. 15583-15584/2005, SLP(C) No. 15831/2013, SLP(C) No. 22788/2013, SLP(C) No. 19174-19197/2014

Application for intervention is dismissed.

Leave granted in SLPs.

Arguments concluded.

Judgment reserved.

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed order is placed on the file)

(JASWINDER KAUR)

COURT MASTER