

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY**

Wednesday, the 15th day of March 2023 / 24th Phalguna, 1944
WP(C) NO. 18999 OF 2022 (Y)

PETITIONER:

SMT.X
RESIDENT OF ERNAKULAM (NAME OF PETITIONER SUBSTITUTED) "IN RE
EXORBITANT PRICING OF LIFE SAVING PATENDED MEDICINES" [IS
SUBSTITUTED AS PER ORDER DATED 16.09.2022.]

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA, ROOM NO. 348; 'A' WING, NIRMAN BHAVAN, NEW DELHI-110011
2. SECRETARY, DEPARTMENT OF PHARMACEUTICALS, MINISTRY OF CHEMICALS AND FERTILIZERS, GOVERNMENT OF INDIA, 236A, A- WING, 2ND FLOOR, SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI - 110001
3. SECRETARY, DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE (DPIIT) UDYOG BHAWAN, NEW DELHI - 110011
4. SECRETARY, MINISTRY OF WOMEN AND CHILD DEVELOPMENT, SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI - 110001
5. CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS, PATENT OFFICE KOLKATA, BOUDHIK SAMPADHA BHAWAN, CP-2 SECTOR V, SALT LAKE CITY, KOLKATA - 700091
6. INDIAN COUNCIL OF MEDICAL RESEARCH, REPRESENTED BY DIRECTOR GENERAL, ANSARI NAGAR, NEW DELHI - 110029
7. ADDL.R7. RAHUL BAJAJ 001, SARVAPRIYA VIHAR APARTMENTS, NEW DELHI - 110016.(ADDITIONAL R7 IS IMPEADED AS PER ORDER DATED 02.09.2022 IN I.A.1/2022 IN WP(C)18999/2022).
8. ADDL.R8. ELI LILLY AND COMPANY (INDIA) PVT. LTD., PLOT# 92, SECTOR 32, INSTITUTIONAL AREA, GURGAON 122 001, HARYANA, INDIA. [IS SUO MOTU IMPEADED AS PER ORDER DATED 15.03.2023 IN WP(C)18999/2022.]

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 3rd respondent to consider and pass orders on Ext.P25 representation within a timeframe to be fixed by this Hon'ble Court.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and this Court's orders dated 07.02.2023 & 20.02.2023 and upon hearing the arguments of SMT.MAITREYI SACHIDANANDA HEGDE, former Advocate for the petitioner and now appointed as Amicus Curiae and of CENTRAL GOVERNMENT COUNSEL for R1 to R4 and of SRI.G.SREEKUMAR,(Senior advocate) for ADDL.R8 the court passed the following:

SHAJI P. CHALY, J.

W.P.(C).No. 18999 of 2022

Dated this the 15th day of March, 2023

ORDER

Refer orders passed by this Court on 07.02.2023 and 20.02.2023. Consequent to the directions, learned Amicus Curiae has furnished address of Novartis India Ltd., having its address at Mumbai and Eli Lilly & Co.(Pvt) Ltd, Gurgaon, Haryana. On receipt of notice, they are represented today by Senior Advocates, Sri.Joseph Kodianthara and Sri.G.Sreekumar. Sri.Joseph Kodianthara submitted that Novartis India Ltd., has no manner of connection with respect to the manufacturing or marketing of the medicine in question and he would provide the email id of Novartis AG company, Switzerland. Learned Senior Counsel appearing for Eli Lilly & Co.(Pvt) Ltd., seeks time for filing counter. Since I find that the companies referred to above are necessary parties in the writ petition to decide the issues, Eli Lilly & Co. (Pvt) Ltd is *suo motu* impleaded as an additional respondent. Learned counsel for the Novartis India Ltd., is requested to furnish the email id to learned Amicus Curiae. There will be a direction to the petitioner to serve notice to

Novartis AG company, Switzerland by email, if and when the email id is received from the learned counsel.

Learned Central Government Counsel has volunteered to give copy of the writ petition as well as other pleadings and documents to learned counsel appearing for Eli Lilly & Co.(Pvt) Ltd.

Post on 05.04.2023.

Sd/-



SHAJI P. CHALY
JUDGE

AP