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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 540/2016, I.A. 6087/2016, I.A. 2699/2017 & I.A. 5639/2022

**F HOFFMANN-LA ROCHE LTD & OTHERS** ..... Plaintiff

Through: Mr. Sandeep Sethi, Sr. Adv. with Mr. Darpan Wadhwa, Sr. Adv. alongwith Mr. Vishal and Mr. Varun Khanna, Adv.

versus

**DRUGS CONTROLLER GENERAL OF INDIA & OTHERS**

..... Defendants

Through: Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor and Ms. Vidhi Jain, Adv. for DCGI.  
Mr. Utsav Mukherjee, Adv. for D-3.

+ CS(COMM) 1119/2016, I.A. 10019/2016, I.A. 10020/2016, I.A. 10021/2016 & I.A. 2192/2022

**ROCHE PRODUCTS (INDIA) PRIVATE LIMITED AND OTHERS**

..... Plaintiffs

Through: Mr. Sandeep Sethi, Sr. Adv. with Mr. Darpan Wadhwa, Sr. Adv. alongwith Mr. Abhishek Tewari, Ms. Ishita Mathur and Mr. Jai Raina, Adv.

versus

**ZYDUS LIFESCIENCES LIMITED AND OTHERS** ..... Defendants

Through: Mr. Chander M. Lall, Sr. Adv. with Mr. Kapil Midha, Ms. Aadya Chawla, Ms. Yashi Agarwal and Mr. Abhinav Bhalla, Adv.  
Mr. Kirtiman Singh, CGSC with Mr.



Waize Ali Noor and Ms. Vidhi Jain,  
Advs. for DCGI.

**CORAM:**  
**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

% **04.03.2024**

1. These matters have been transferred to this Bench from the Coordinate Bench of the IP Division of this Court pursuant to order dated 22<sup>nd</sup> February, 2024.
2. Mr. Sandeep Sethi, Senior Counsel for plaintiff points out that the following applications are pending.

**I.A. 5639/2022 in CS(COMM) 540/2016**

1. This application has been filed by the plaintiffs under Order XI Rules 12 and 14 of the Code of Civil Procedure, 1908 (“CPC”) seeking disclosure by defendant No.3 to produce documents which are listed in para 11 of the said application.
2. Reply on behalf of defendant No.3 dated 19<sup>th</sup> July, 2022 is on record, however, counsel for defendant no.3 shall seek instructions in this regard, since reply was seemingly filed by previous counsel. It has been pointed out that in the event there are reservations to disclosure for sake of confidentiality, the Delhi High Court Intellectual Property Rights Division Rules, 2022 (IPDR Rules) provide for formation of a confidentiality club.

**I.A. 2699/2017 in CS(COMM) 540/2016**

1. This application has been filed by defendant No.3 for recall of order dated 9<sup>th</sup> January, 2017.
2. Since counsel for defendant No.3 does not have instructions today, list this application on the next date.



3. Application stands disposed of.

**I.A. 2192/2022 in CS(COMM) 1119/2016**

1. This application has been filed by plaintiff under Order XI Rules 12 and 14 of the CPC for directions to defendant No.1 to disclose and produce documents which are listed in para 8 of the said application.

2. Mr. Chander M. Lall, Senior Counsel for defendant No.1 states that the reply has been filed, however, the same is not on record.

3. Accordingly, they will take steps to place the same on record with copies to the opposing side before the next date of hearing.

**I.A. 10020/2016 in CS(COMM) 1119/2016**

1. This application has been filed by plaintiffs under Order II Rule 2(3) of CPC. Reply has been filed by defendant no.1. The same will be listed on the next date.

**I.A. 10021/2016 in CS(COMM) 1119/2016**

1. This application has been filed on behalf of plaintiffs under section 80(2) read with section 151 CPC seeking exemption from serving notice under Section 80(1) of CPC to defendant nos. 2 & 3.

2. This application is pending since 2016 and the suit has proceeded ahead.

3. Exemption is granted. Application is disposed of.

**CS(COMM) 540/2016 & CS(COMM) 1119/2016**

1. List on 26<sup>th</sup> July, 2024.

2. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**MARCH 4, 2024/MK/na**