

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON**

**Thursday, the 3rd day of September 2026 / 12th Bhadra, 1948
WP(C) NO. 18999 OF 2022 (Y)**

PETITIONER:

XXXXXXXXXX *[NAME OF THE PETITIONER SUBSTITUTED] "IN RE EXORBITANT PRICING OF LIFE SAVING PATENTED MEDICINES" (SUBSTITUTED AS PER ORDER DATED 16.09.2022)

RESPONDENTS:

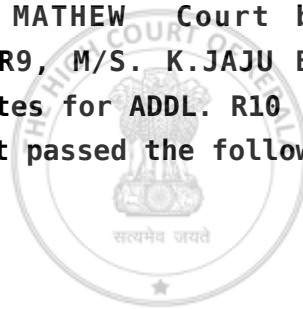
1. UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA, ROOM NO. 348; 'A' WING, NIRMAL BHAVAN, NEW DELHI-110 011 PIN - 110 011
2. SECRETARY, DEPARTMENT OF PHARMACEUTICALS MINISTRY OF CHEMICALS AND FERTILIZERS, GOVERNMENT OF INDIA, 236A, A- WING, 2ND FLOOR, SHASTRI BHAVAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI , PIN - 110 001
3. SECRETARY, DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE (DPIIT) UDYOG BHAVAN, NEW DELHI , PIN - 110 011
4. SECRETARY, MINISTRY OF WOMEN AND CHILD DEVELOPMENT, SHASTRI BHAVAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI, PIN - 110 001
5. CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS, PATENT OFFICE KOLKATA, BOUDHIK SAMPADE BHAVAN, CP-2 SECTOR V, SALT LAKE CITY, KOLKATA, PIN - 700 091
6. INDIAN COUNCIL OF MEDICAL RESEARCH REPRESENTED BY DIRECTOR-GENERAL, ANSARI NAGAR, NEW DELHI, PIN - 110 029
7. ADDL.R7. RAHUL BAJAJ 001, SARVAPRIYA VIHAR APARTMENTS, NEW DELHI - 110 016.(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 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.]
9. ADDL.R9. NOVARTIS A G LICHTRASSE 35, CH - 4056 BASEL, SWITZERLAND. (IS SUO MOTU IMPEADED AS PER ORDER DATED 16.06.2023 IN WPC 18999/2022).
10. ADDL.R10. M.RADHAKRISHNAN S/O.KRISHNAMESON, AGED 74 YEARS, RESIDING AT PRA 45A, MANDANATHU, PALLIPARAMBUKAVU ROAD, TRIPUNITHURA, ERNAKULAM-682301 [ADDL.R10 IS IMPEADED AS PER ORDER DATED 19.10.2023 IN I.A.3/2023 IN WP(C)18999/2022].
11. ADDL R11.NATIONAL CANCER INSTITUTE AIIMS, JHAJJAR, BADSA, JHAJJAR, HARYANA, PIN-124 105.
12. ADDL R12.CHITTARANJAN NATIONAL CANCER INSTITUTE SHYAMA PRASAD MUKHERJEE ROAD, BAKUL BAGAN, BHOWANIPORE, KOLKATA, WEST BENGAL, PIN-700 026
13. ADDL R13.REGIONAL CANCER CENTRE THIRUVANANTHAPURAM, KUMARAPURAM ROAD, MEDICAL COLLEGE CAMPUS, CHALAKKUZHI, PIN-695 011
14. ADDL R14.THE DRUG CONTROLLER GENERAL OF INDIA FDA BHAVAN, ITO, KOTLA ROAD, NEW DELHI, PIN-110 002 [ADDL. R11 TO R14 ARE SUO MOTU

IMPLEADED AS PER ORDER DATED 15.07.2026 IN WPC 18999/2022]

- 15. ADD.R15.MAJIDA A.M., AGE 49, W/O. ADV KHALEEMUDHEEN, RESIDING AT PADINHARAKAM ENNA KOLLANAKAM, NEAR T I UP SCHOOL, PONNANI NAGRAM , PONNANI, MALAPPURAM, KERALA- 679583, [ADDL.R15 IS IMPLEADED AS PER ORDER DATED 21.08.2026 IN I.A. 1/26 IN WP(C) 18999/22]**

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the Highdirect 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 coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 21.08.2026 in I.A.1/2026 in WP(C) and upon hearing the arguments of SMT. MAITREYI SACHIDANANDA HEGDE Advocates for the petitioner and DEPUTY SOLICITOR GENERAL OF INDIA for R1, R2 & R4, SRI. KRISHNA T.C for R3 & R5, M/S. ARUN KUMAR P., THIYYANNOOR RAMAKRISHNAN, AMBIKA RADHAKRISHNAN, KAVYA SURESH Advocates for R8, M/S. ABRAHAM JOSEPH MARKOS, V. ABRAHAM MARKOS, ISAAC THOMAS, P.G.CHANDAPILLAI ABRAHAM, ALEXANDER JOSEPH MARKOS, SHARAD JOSEPH KODANTHARA, AIBEL MATHEW Court be pleased to SIBY,JOHN VITHAYATHIL Advocates for R9, M/S. K.JAJU BABU (SR.), BRIJESH MOHAN, M.U.VIJAYALAKSHMI for Advocates for ADDL. R10 , ADDL. SOLICITOR GENERAL OF INDIA for ADDL. R14 the court passed the following:



THURSDAY, THE 3RD DAY OF SEPTEMBER 2026

IA 2/2026 IN WP(C) No.18999 of 2022

XXXXX XXXXX

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SMT.MAITREYI SACHIDANANDA HEGDE

ADVS FOR RESPONDENT/S:

O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA,
SHRI.AMAL PARTHASARADHY, CGC,
SHRI.NAVANEETH GOPAN,
SHRI.ABRAHAM JOSEPH MARKOS, M/S.JNPS LEGAL ASSOCIATES,
SHRI.T.C.KRISHNA, SENIOR PANEL COUNSEL,
SRI.ARUN KUMAR.P,
SHRI.ATHUL SHAJI, SC, REGIONAL CANCER CENTRE (RCC),
SRI.V.ABRAHAM MARKOS,
SRI.ISAAC THOMAS,
SRI.P.G.CHANDAPILLAI ABRAHAM,
SHRI.ALEXANDER JOSEPH MARKOS,
SHRI.SHARAD JOSEPH KODANTHARA,
SHRI.AIBEL MATHEW SIBY,
SHRI.JOHN VITHAYATHIL,
SRI.THIYYANNOOR RAMAKRISHNAN,
SMT.AMBIKA RADHAKRISHNAN,
SMT.KAVYA SURESH,
SHRI.ASHISH ANTONY FRANCIS,
SMT.OLIVIA LEELA JACOB,
SHRI.GOPAKUMAR K.M.

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HARISANKAR V. MENON, J.

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Dated this the 03rd day of September, 2026

ORDER

Heard Smt.Maitreyi Sachidananda Hegde, learned *amicus curiae*, as well as Sri.K.M.Gopakumar, learned counsel for respondents 10 and 15. I have also heard Sri.Joseph Kodianthara and Sri.Hemant Singh, learned Senior Counsel, for the 9th respondent, Sri.T.C. Krishna, learned counsel for respondents 3 and 5, Sri.Athul Shaji, learned Standing Counsel for the 13th respondent, and learned Central Government Counsel for the 14th respondent.

2. In the earlier orders of this Court dated 21.08.2026 and 15.07.2026, this Court had specifically directed respondents 11 to 14 to file affidavits/report with respect to the points noted in the order dated 15.07.2026. A memo has been filed on behalf of the 13th respondent, enclosing a report dated 20.08.2026 as Annexure R13(a). Smt.Maitreyi, learned *amicus curiae*, has also filed a report dated 20.08.2026. The affidavit filed by the 14th respondent has been noticed in the order dated 21.08.2026.

3. The statement filed by the 13th respondent reads as under:-

"CDK4/6 inhibitors combined with endocrine therapy form the standard first-line approach for stage IV hormone receptor-positive breast cancer. Palbociclib, Ribociclib, and Abemaciclib are the three available agents. Clinical trial evidence shows broadly similar progression-free survival among the three drugs, while

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their toxicity profiles differ. Consequently, all three agents are reasonable options, with the final choice individualized according to patient and treatment-related factors.”

4. However, even on the face of the report of the additional 13th respondent, Smt.Maitreyi, learned *amicus curiae*, would submit that the medicine ‘Palbociclib’ can be used only for treatment of advanced instances of breast cancer, whereas the medicine ‘Ribociclib’ as well as ‘Abemaciclib’ are being administered for treatment of all stages of cancer. Therefore, according to her, ‘Palbociclib’ and the other two medicines are not interchangeable.

5. The learned Central Government Counsel to liaise with additional respondents 11 and 12 to ensure that their affidavits/reports are placed before this Court before the next posting date.

6. A request for adjournment is made on behalf of Sri.P.Sreekumar, learned Additional Solicitor General of India, pointing out that he has gone for medical consultation.

7. However, taking note of the urgency in the matter, post for final hearing and disposal on 09.09.2026.

Post for final disposal on 09.09.2026.

I.A. No.2 of 2026:

Sri.P. Arun Kumar, learned counsel, who is representing the additional 8th respondent, has brought to the notice of this Court I.A. No.2 of 2026, as per which a request for adjournment is made, pointing

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out that the learned counsel, representing the additional 8th respondent, hailing from Delhi, is not fit to travel. However, taking note of the urgency pointed out by the parties, as also taking note of the order dated 24.08.2026 issued by the Apex Court, this Court is not in a position to accept this request.

Therefore, I.A. No.2 of 2026 is dismissed.

Sd/-

HARISANKAR V. MENON

JUDGE

Skk

