

No. 31015/6/2012-PI.I
GOVERNMENT OF INDIA
MINISTRY OF CHEMICALS & FERTILIZERS
DEPARTMENT OF PHARMACEUTICALS

B Wing, Janpath Bhavan, New Delhi

ORDER

Subject: Review application of M/s Alcon Laboratories (India) Pvt. Ltd. under para 22 of DPCO, 1995 against NPPA notification S.O. No.2220(E) dated 19.9.2012 fixing retail price of Vigadexa ophthalmic solution (5ml vial)

Whereas Government of India, vide price fixation Order No.S.O.2220 dt.19.9.2012 fixed retail price of imported Vigadexa ophthalmic solution (5ml vial).

2. And whereas aggrieved by the above notification M/s Alcon Laboratories (India) Pvt. Ltd. (hereinafter referred to as the petitioners) had represented to the reviewing authority against the said price fixation. Personal hearing was granted to the Petitioners by the Department of Pharmaceuticals on 25.10.2012. The Petitioners were represented by S/Shri Manoj Kumar Singh, Kamlakar Sharma, Suresh Kumar Mongia and Ms. Namrata Nadkarni. On behalf of the NPPA Shri S.K. Bhatt, Deputy Director (Tech), Manmohan Kaur, Dy. Director and Suneel Chopra, Consultant attended the hearing. Shri V.K. Tyagi, DIA, Department of Pharmaceuticals was also present during the hearing as a technical expert.

3. The issues involved in the review application have been examined based on the record of note of discussions of the personal hearing, other documents on record and the Ministry of Law opinion that two ceiling prices, one for local manufacturers and other for importers may be permissible as per proviso to Para 7 of the DPCO, 1995, and the Government has decided as under:

“Provisions of Policy/Rules must apply. If there are specific provisions governing fixation of prices, these must be applied unless NPPA was/is separately empowered to devise a different formula. As there is no empowerment, price as per Para 7 of DPCO, 95 should have been allowed.”

Issued on this date 24th October, 2013.

(Roshan Lal)
Under Secretary to the Govt. of India
For and on behalf of the President of India

To

1. The Member Secretary,
National Pharmaceutical Pricing Authority,
YMCA Cultural Centre Building, New Delhi-110001
2. M/s Alcon Laboratories (India) Pvt. Ltd.
Unit No..502, 5th Floor, Tower D,
RMZ Infinity Benniganahalli,
Old Madras road,
Bangalore- 560016

Copy to :

1. PS to Hon'ble Minister of State (Independent Charge) in the Ministry of Chemicals and Fertilizers, Shastri Bhawan, New Delhi for information.
2. Sr. PPS to Secretary (Pharma), Shastri Bhawan, New Delhi for information.
3. The Chairman, NPPA, YMCA Cultural Centre Building, New Delhi for information

