

No.31015/1/2013-PI.I
Government of India
Ministry of Chemicals & Fertilizers
Department of Pharmaceuticals

‘B’ Wing, 3rd Floor, Janpath Bhawan,
New Delhi

ORDER

Subject: Review application of M/s Lekar Pharma Limited against NPPA’s price fixation order SO 3017 (E) dated 27.12.2012 under Drugs (Prices Control) Order, 1995 (DPCO, 1995) in respect of scheduled formulation Metronidazole Benzoate and Norfloxacin Suspension 30 ml.

Whereas Government of India vide price fixation order SO 3017 (E) dated 27.12.2012 fixed the prices of Metronidazole Benzoate and Norfloxacin Suspension 30 ml.

2. And whereas aggrieved by the above mentioned notifications M/s Lekar Pharma Ltd (hereinafter referred to as Petitioners) had represented to the reviewing authority vide their application dated 7.1.2013 against the said price fixation order NPPA. Personal hearing was granted to the Petitioners by the Department of Pharmaceuticals on 17.1.2013. The Petitioners were represented by Shri Ashok Patel, VP(MIS) and NPPA was represented by Shri S.K Bhatt, Deputy Director (Tech) and Smt. Manmohan Kaur, Deputy Director (Cost) during the hearing. Shri V.K. Tyagi, Deputy Industrial Adviser was also present during the hearing as technical expert.

3. The issues involved in the review application were examined by the Department based on the record note of discussions of the personal hearing and other records available in the file and the following proposal was submitted for consideration of the reviewing authority:

- (i) While the application of the company may be rejected on the grounds that NPPA had considered the notified prices of bulk drug and sugar and rate of excipient as claimed by the company, NPPA may be advised to revisit the basis of their notified prices of the bulk drug and sugar and, if required, notify the realistic prices.
- (ii) The decision of the Authority taken in 128th Meeting to allow reduced rates and to stall higher rates may be revisited by NPPA in accordance with the provisions of DPCO, 95 as far as may be.
- (iii) With regard to the placement of internal guidelines on the website, NPPA may be directed to implement the orders of the Secretary (Pharma) conveyed earlier on 12.4.2012.

4. The reviewing authority has approved the proposal of the Department as referred to para 3 hereinabove. NPPA is directed to take action accordingly.

Issued on this date 25th March, 2013.

(Roshan Lal)
(Under Secretary to the Government 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 Lekar Pharma Limited,
Seth Govindrao Smriti, 83 B&C,
Dr. Annie Besant Road,
Worli,
Mumbai - 400018

Copy to :

1. PS to Hon'ble Minister of State (Independent Charge) of the Ministry of Chemicals and Fertilizers, Shastri Bhawan, New Delhi for information.
2. Sr. PPS to Secretary (Pharma), Shastri Bhawan, New Delhi for information.