

No.31015/16/2012-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 M.J. Biopharm Pvt. Ltd. under Drugs (Prices Control) Order, 1995 (DPCO, 1995) against the price fixation orders SO No. 2734 (E) dated 16.11.2012 issued by NPPA fixing Ceiling Prices for Human Insulin Injections.

Whereas Government of India, vide price fixation orders SO No. 2734(E) dated 16.11.2012 fixed the Ceiling Prices for Human Insulin Injections.

And whereas aggrieved by the above mentioned notifications M/s M.J. Biopharm Pvt. Ltd. (hereinafter referred to as Petitioners) had represented to the reviewing authority vide their application dated 30.11.2012 against the said price fixation orders. The Deputy Secretary in the Ministry of Chemicals & Fertilizers, Department of Pharmaceuticals gave personal hearing to the Petitioners on 27.12.2012. The Petitioners were represented by Shri H.H. Pandit, Vice President & RA and Shri S. Guha, Dy. General Manager, Costing and MIS. NPPA was represented by Smt. Manmohan Kaur, Deputy Director during the hearing.

After due examination of the review application the following recommendation was made to the Hon’ble Minister being Reviewing authority: -

“NPPA in its 127th Authority meeting held on 6.11.2012 decided that any formulations having the market share of 1% and above may be considered as a major manufacturer. Since M/s M.J. Biopharm is not a major manufacturer as per the bench mark fixed by the Authority, it is not possible for NPPA to consider their cost. However, as and when the ceiling price is revised under para 9(2) of the DPCO 95, their concern will automatically be addressed alongwith their concern about the application of latest CC,PC norms.

The company may provide, on regular basis, their latest packing charges, etc. to the NPPA so that their cost can be considered by NPPA in revising the CC, PC norms in future.”

2. Based on the discussions in the personal hearing, documents on record and examination of the review application, the reviewing authority, i.e. Minister (Chemicals & Fertilizers) has passed the following order:

“As DPCO’95 is still in practice, NPPA should apply the existing criteria while considering the major manufacturers, which has also been earlier observed by Hon’ble Court.”

Issued on this date 12th 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 M.J. Biopharm Pvt. Limited
113, Jolly Maker Chambers No.2,
Nariman Point,
Mumbai-400021
(by Speed Post)

Copy to :

1. PS to Hon’ble Minister(C&F), Shastri Bhawan, New Delhi for information.
2. Sr. PPS to Secretary (Pharma), Shastri Bhawan, New Delhi for information.