

No. 31015/91/2013-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 Mankind Pharma Ltd against fixation of ceiling price of Condoms by National Pharmaceutical Pricing Authority(NPPA) vide notification NO. S.O.3348(E) dated 05.11.2013 under the Drugs (Prices Control) Order, 2013 (DPCO, 2013).

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Whereas Government of India, vide price fixation Order S.O.3348(E) dated 05.11.2013 fixed ceiling price of Condoms under the DPCO, 2013.

2. And whereas aggrieved by the above notification M/s Mankind Pharma Ltd. (hereinafter referred to as the Petitioner) had represented to the reviewing authority against the said price fixation. Personal hearing was granted to the Petitioner by the Department of Pharmaceuticals on 22.4.2014. The Petitioner was represented by S/Shri Rajeev Kumar Saxena, Vice President-BD and K.C. Kohli, Consultant. On behalf of the NPPA Shri S.K. Bhatt, Deputy Director (Tech) and Shri Manish Goswami, Dy. Director(Cost) attended the hearing. Shri V.K. Tyagi, Dy. Industrial Adviser, 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 Government has decided as under:

- (i) The review application of the Petitioner is rejected as NPPA has fixed the prices as per provisions of DPCO 2013. However, whether pleasure condoms and PI condoms are different variants of condoms having different market/market based data and different manufacturing processes and therefore warrant different prices has been referred to the Standing Technical Committee and any decision in that case will be applicable across the board for fixing ceiling prices.
- (ii) In regard to the data NPPA is requested to revalidate the data by calling for information through their website, other public media and through all known sources as per the powers of revalidation conferred on them under provisions of para 9 (1) of DPCO 2013. The Petitioner to maintain the ceiling price already notified by NPPA under proviso to para 31 of DPCO 2013.

Issued on this date 8th August, 2014.

(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 Mankind Pharma Ltd,
236, Okhla Industrial Estate,
Phase-III, Okhla,
New Delhi-110020

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Copy to :

1. PS to Hon'ble Minister (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