

PUBLIC NOTICE

IDMA & OPPI, the Associations on behalf of their members had filed a WP-2368/1996 in Bombay High Court with prayer to restrain Union of India to issue or implement the notices under Para 7(2) of the DPCO,1979 read with Para 14 of DPCO, 1987 and Para 12 of the DPCO, 1995.

2. An Interim relief in terms of prayer, clause (d), was ordered by Hon’ble Bombay High Court on 30.6.1997.

3. The WP has since been dismissed by the Bombay High Court vide its judgment pronounced on 22.12.2011. While dismissing the petition, the Hon’ble High Court in its aforesaid judgment has, inter-alia ordered as under:-

*30. In the light of the above, we do not find any merit in the above petition. It is clarified that since the petitioners 1 and 3 are an Association of their Members and have filed the present petition on their behalf, the members of the petitioners who have been issued the said show cause notices may file appropriate replies to the said show cause notices and ultimately on the basis of the available record, it is for the Respondents to pass appropriate orders on the show cause notices. It, in a given case, there is no record available, it would be for the Respondents to take an appropriate decision in accordance with law.*

4. Accordingly, all manufacturers, importers and/or distributors of Bulk Drugs and/or formulations based on the Bulk Drugs, as the case may be, are requested to furnish information/ details in a format as given below, for the period from 1<sup>st</sup> April, 1979 to 25<sup>th</sup> August, 1987, within 30 days of publication of this notice:

| Date of import /procurement including your own production of the bulk drug from 1.4.1979 to 25.8.1987 with stock as on 1.4.1979. | Name of formulations based on this bulk drug manufactured by your Company | Strength & pack size | Whether the bulk drug is Company's own production? If so, quantity produced date wise | Quantity imported/ procured date-wise | Landed Cost of import/ purchase price/ cost of production in case of own production |
|--|---|----------------------|---|---------------------------------------|---|
| 1  | 2   | 3                    | 4   | 5                                     | 6   |

| Quantity issued date-wise to the production department | Quantity utilized by the production department | Packs & strengths of formulations production date-wise with details of batch No. | Price printed on the label of containers date-wise supported by documentary evidence | Price fixed by the Govt. from time to time | Remarks |
|--|--|--|--|--|---------|
| 7  | 8  | 9  | 10   | 11   | 12      |

5. Information may be sent to Under Secretary (DPEA), 3<sup>rd</sup> Floor, B Wing, Janpath Bhawan, Janpath, New Delhi - 110001

6. If no reply is received within 30 days of publication of this Notice, it will be presumed that the company has nothing to say in the matter and liability against the company will be computed on the basis of whatever data becomes available to the Government from whatever source.

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