

No. 31015/15/2014-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 Ranbaxy Laboratories Ltd. against NPPA notification S.O. No 1017 (E) dated 2/4/2014 fixing ceiling for scheduled medicine Ciprofloxacin Hydrochloride Drop 0.30% under Drugs (Prices Control) Order, 2013 (DPCO, 2013).

Whereas Government of India, vide price fixation Order S.O. No.1017(E) dated 2.4.2014 fixed ceiling price of scheduled medicine Ciprofloxacin Hydrochloride Drop 0.30% under DPCO, 2013.

2. And whereas aggrieved by the above notification M/s Ranbaxy Laboratories 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 22.5.2014 and again on 13.8.2014. In the hearing held on 13.8.2014, the Petitioners were represented by Sh. Kaushal Jayant Oza, Senior Manager Finance, Shri Ashish Verma, Advocate and Shri Satish Arora, Sr. Manager (Corporate Affairs). On behalf of the National Pharmaceutical Pricing Authority (NPPA) Shri Naresh Arya, Deputy. Director attended the hearing.

3. The issues involved in the review application have been examined based on the record note of discussions of the personal hearing, other documents on record and the Government has decided as under:

Recommendation:

- (i) NPPA is directed to send both sets of data, given to Petitioners and to NPPA, for clarification and seek final authentic data from IMS.
- (ii) NPPA is directed to examine each and every case and in all those cases where the companies are not protected by any stay from the Court, overcharging proceedings may be started if not already started. In those cases where stay has been granted by any of the Court, recoveries cannot be affected till such time the cases are decided by the courts. Since the prices are already notified by the NPPA and any higher price is either overcharged or protected by a Court stay, they are notional prices subject to correction after Court order and for considering the market based data NPPA should work out the PTR based on MRP last notified by it, or any lower price.

- (iii) NPPA is also directed to issue public notice stating that all the prices fixed by them in 2014 without giving WPI for the year 2013 may be revised by the companies as per provisions of para 16(ii), if the companies so desire.
- (iv) Since DPCO 2013 does not distinguish between pack size or packing material, the point raised by the Petitioners has no merit.
- (v) The Petitioners in the meantime are directed to maintain the ceiling price already notified by NPPA as per provision to para 31.

Issued on this date 16th September, 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 Ranbaxy Laboratories Ltd
Plat No.90, Sector 32,
Gurgaon -122001
(Haryana)

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.
3. PSO to the Chairman, NPPA, YMCA Cultural Centre Building, New Delhi for information