

To,

June 25, 2025

Mr. J. P. Nadda
Union Minister for Health,
Government of India,
348-A, Nirman Bhavan,
Maulana Azad Road,
New Delhi – 110011.
Email: india-hfm@gov.in

Dear Sir,

Sub: Petition to lay Rule 106B of the Drugs & Cosmetics Rules, 1945 before Parliament as required by Section 38 of the Drugs & Cosmetics Act, 1940

1. By way of introduction, I am a public health activist and co-author a book on drug regulation in India: *The Truth Pill: The Myth of Drug Regulation in India* (Simon & Schuster; 2022).
2. I am writing to you with specific regard to a shocking administrative oversight that has led to the non-enforcement of Rule 106B of the Drugs & Cosmetics Rules, 1945. This rule was originally introduced into the law in 1994 in order to regulate the content of alcohol in homeopathic preparations. However, Rule 106B has not been enforced for the last decade, since the competent authority within the Ministry of Health did not lay the rule before both Houses of Parliament for a period of 30 days, as required by Section 38 of the Drugs & Cosmetics Act, 1940.

A. Background to Rule 106B

3. The genesis of Rule 106B lies in the tragic deaths of more than two hundred citizens of India in the city of New Delhi in November, 1991 after they consumed an Ayurvedic preparation containing alcohol. This tragedy led to a public outrage and questions being raised in Parliament. A subsequent Commission of Inquiry announced by the Union Home Ministry and headed by retired Justice Jagdish Chandra concluded that the tragedy resulted in the death of 252 persons, with an additional 57 persons going blind and a further cohort of 131 persons suffering from other related illnesses. The Commission concluded that the cause of deaths and blindness was the use of spurious alcohol used to prepare an Ayurvedic preparation called *Karpoor Arsav*. The Commission concluded that this Ayurvedic preparation was contaminated with methyl alcohol, better known as methanol. Consumption of methanol by human beings can cause their death or loss of vision; this is a scientifically established fact. Relevant pages of the Commission of Inquiry are attached to this petition as **Annexure A**.
4. One of the issues that came to the fore in discussions following this tragedy was the fact that many Ayurvedic preparations containing alcohol were being consumed by poorer sections of society not for their therapeutic value but instead, as a cheap substitute for the more expensive alcoholic beverages available in the market. Two such discussions in Parliament are attached to this

petition as **Annexure B and C**. The difference in price is due to the fact that alcohol meant for medicinal purposes has always been taxed at a much lower rate compared to alcohol consumed as a beverage. As a consequence of this tragedy, the Ministry of Health amended Rule 161 of the Drugs & Cosmetics Rules, 1945 in November, 1992 to regulate the amount of alcohol allowed in certain Ayurvedic preparations to 16% v/v for packages of 30 ml or 120 ml.

5. In the same year, the Drugs & Technical Advisory Board (DTAB), at its 42nd meeting held on 22nd January 1992 recommended to the government that a similar restriction on the permissible quantity of alcohol also be introduced for homeopathic preparations which are known to have a very high alcoholic content. An excerpt of the minutes of the DTAB meeting are attached as **Annexure D**. This recommendation resulted in the introduction of Rule 106B of the Drugs & Cosmetics Rules, 1945 which limited alcoholic content in homeopathic preparations to 12% v/v, while also regulating the size of homeopathic preparations sold in the open market to packages of 30 millilitres. A copy of this notification as published in the *Gazette of India* on 22nd February, 1994 is attached as **Annexure E**.

B. Stay on the operation of the Rule 106B since 2015 due to the failure of the government to place it before the Parliament

6. A year after the publication of Rule 106B in the Gazette, multiple petitions were filed before different High Courts challenging the constitutionality of this rule. In the first round of litigation, five different High Courts upheld the constitutionality of Rule 106B. These courts include the Delhi High Court, Madras High Court, Bombay High Court, High Court of Andhra Pradesh and the Allahabad High Court. A copy of the Allahabad High Court order, containing details of all these petitions is attached as **Annexure F**. The Supreme Court dismissed three appeals filed against these orders of the High Courts on 5th December 2014. A copy of its order is attached as **Annexure G**.
7. The very next year, on 20th April 2015, the Bengal Homeopathic Manufacturer's Association filed a writ petition before the Calcutta High Court arguing that the operation of Rule 106B should be stayed since the rule was not laid before both Houses of Parliament, as required by Section 38 of the Drugs & Cosmetics Act. As a result, Calcutta High Court restrained the government from enforcing the rule until it complied with the terms of Section 38. Similar stay orders were subsequently procured from different High Courts across the country.
8. Upon the receipt of the Calcutta High Court's order in the above case, the government could have simply laid Rule 106B before both Houses of Parliament for a period of 30 days. **It did not do so**. Instead, in 2017, it filed a transfer petition before the Supreme Court asking it to transfer all pending petitions before all High Courts to the Supreme Court. The petition was allowed by the Supreme Court in an order dated 10th November, 2017; as a result of which more than a dozen pending petitions pending before different High Courts challenging Rule 106B were transferred to itself. These petitions have been lying before the Supreme Court since 2017 without any resolution. A copy of the Supreme Court's

order allowing the transfer petitions filed by the government is attached as **Annexure H**.

9. It has now been **10 years** since Rule 106B was first stayed by the Calcutta High Court and 21 years since Rule 106B was first published in the *Gazette of India*. Yet this rule has not been enforced for the simple reason that it has not been placed before Parliament. In the meanwhile, there are constant news reports from different parts of the country of persons abusing homeopathic preparations by using them as a cheaper alternative to alcoholic beverages. This is especially true in states like Bihar and Gujarat where a prohibition is in effect. There are also reports from doctors that innocent patients consuming homeopathic preparations as a medicine or tonic are reporting symptoms of liver diseases. Separate and apart from these important public health concerns, there is also the question of states losing tax revenue since lower priced homeopathic preparations are serving as a substitute for alcoholic beverages in many parts of the country which normally attract a higher tax rate.

C. Prayer

10. In light of the submissions made above, I request you to please direct the competent authority within the Ministry of Health to place Rule 106B before both Houses of Parliament, for a period of 30 days as mandated by Section 38 of the Drugs & Cosmetics Act, 1940. This would automatically lead to the pending litigation before the Supreme Court becoming infructuous.

Thank you,

Sincerely,



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Annexure A

REPORT OF THE JUSTICE JAGDISH CHANDRA
COMMISSION OF INQUIRY - MEMORANDUM
EXPLAINING DELAY IN LAYING THE REPORT
BEFORE THE HOUSE

AUTHENTICATED

P. M. Sayeed
(P. M. SAYEED)

MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS

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The Delhi Administration appointed a Commission headed by Justice Jagdish Chandra under the Commission of Enquiry Act on 9.11.1991 to conduct an inquiry in order to ascertain all the relevant facts and circumstances leading to the death of several persons in certain areas of Delhi, reportedly after consuming spurious brew marketed as an Ayurvedic medicine on or after the 6th November, 1991.

2. The Report of the Commission was received by the Delhi Administration on 31.8.1992. As per the provisions contained in Section 2(A) of the Commissions of Inquiry (Amendment) Act, 1990, the Report of the Commission together with the Memorandum of Action Taken thereon is required to be laid before each House of Parliament within six months from the date of its submission.

3. The Report could not be laid within the prescribed time limit as the Delhi Administration took some time in examining the Report in consultation with the Union Ministry of Health and Family Welfare, Government of India and the Government of Uttar Pradesh. The Delhi Administration sent the Report to the Union Ministry of Home Affairs with its recommendations on 19th February, 1993. Thereafter, the Ministry of Home Affairs obtained the views of the Ministry of Health & Family Welfare on the recommendations concerning them and also information from the Delhi Administration regarding the action taken against persons held responsible by the Commission for the manufacture, storage, sale, etc. of the adulterated brew and against the officials indicted by the Commission. The Ministry of Law & Justice were also consulted. This work has now been completed. The Report of the Commission along with Memorandum of Action Taken is accordingly laid on the Table of the House.

TERM OF REFERENCE NO. 1 :

The Commission received from various agencies, during the course of inquiry, list of various persons who allegedly died during this tragedy on account of having consumed the spurious brew in question. The details of these lists have been fully set out in the Schedules 7-A to 7-D of this Report and the list of the same is set out below :—

<i>Name of the Agency</i>	<i>No. of Dead Persons</i>
(a) List received from Hospitals of Delhi	134
(b) List filed by Crime Branch of Delhi	202
(c) List filed by 'Nashamukti Foundation'	316
(d) List received from Ashok Bakshi, A.D.M. (Hqs.), Delhi who disbursed compensation to the next of kin of the deceased,	190

Besides the above a number of affidavits received from the public by the Commission in response to the aforesaid Public Notice, showed as many as 27 persons and their details are found in Schedule 7-E having died in this tragedy. Also the Commission sent two of its officials Sh. C.P. Kataria, Head Clerk and Shri V.K. Mehra, U.D.C. to various places for verification of a number of deaths and they were able to verify in all as many as 44 deaths at the spot and their details are given in Schedule 7-F.

From amongst the above mentioned data the Commission accepted the Police list giving the figure of dead persons as 202, as the basis. The list of various hospitals gave the figure of dead persons as 134 and the perusal and comparison of the two showed that as many as six persons were extra in the hospitals list besides the figure shown in the police list. So, the figures of these extra six persons could be added to the police list and thereby the number of dead persons came to 208.

The list filed by "Nashamukti Foundation" has given the maximum number of dead persons as 316. Comparing this list with the lists filed by the police and the various hospitals, 108 persons were found in excess. Over and above the figure of 208 persons referred to in the preceding para. The Commission deputed two of its officials Shri C. P. Kataria, Head Clerk and Shri V. K. Mehra, U. D. C. to go to the various

from the hospitals. The list of injured persons also give details by way of FIRs Nos., Police Stations and names and addresses of injured persons. The list of blind persons also gives the same details. Then the list of dead persons who were cremated without post-mortem in connection with this tragedy also shows the same details. All these lists filed by the police tally in numbers with the figures mentioned in para No. 3 or Mr. R. Tewari's affidavit Ex. P. 51, already referred to above, and there is no justification to disbelieve the same as these lists were prepared by the police in the discharge of their official duties and are furnished with all necessary details, and find coroboration from the other lists already referred to and discussed above.

Thus, out of the figure of 108 referred to above and found in excess in the list of "Nashamukti Foundation" the deaths of only 44 persons stood verified and this figure is to be added to the above-mentioned figure of 208 persons found out as a result of the counting of the dead persons on comparison of the police list and the lists supplied by the hospitals, and the total of the two comes to 252.

The number of dead persons mentioned in the list received from Shri Ashok Bakshi, ADM (Hqrs.) Delhi as 190 and the list made out by the Commission from the affidavits received from public in response to public notice issued by the Commission as 27, do not show any excess figures beyond the lists filed by Delhi Police and the hospitals, and stand covered therein and thus no addition can be made to the above mentioned figure of 252 arrived at in the preceding para.

Thus in view of what has been stated above the ultimate list of the persons who died or became blind or suffered other sicknesses during the tragedy in question which occurred on account of their having consumed adulterated/spurious brew, and finding details in Schedule-7G of this report, stands proved and in nutshell the ultimate figures of these categories stand proved as follows :—

1. Number of persons who died on or after 6-11-91 during the tragedy	252
2. Number of persons who got blinded	57
3. Number of persons who suffered other sicknesses	131

Annexure B

to Security Guard Board, Greater Bombay for providing services of 167 personnel.

(b) The emoluments were last revised from August 1, 1990.

(c) In the month of October, Air India paid an amount of Rs. 17,768 as overtime to the Security personnel.

(d) Does not arise.

Sale of Sura

1850. SHRI NAWAL KISHORE RAI:
SHRI GOPINATH GAJAPATHI:

(a) whether the Ayurvedic medicine 'sura' is twice as potent as whisky and half as expensive;

(b) if so, whether it is being sold all over Delhi openly;

(c) the action taken or proposed to be taken against the persons selling the same without any restrictions; and

(d) the relief, rehabilitation and treatment provided to the victims of spurious 'sura' tragedy in Delhi recently?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI D.K. THARA DEVI SIDDHARTHA): (a) Some Ayurvedic medicines contain self-generated alcohol. However, their cost in comparison to whisky has not been studied.

(b) Spurious liquor was sold under the label of Ayurvedic medicine.

(c) A case under Section 284/304 IPC has been registered by Delhi Police against manufacturers and vendors of spurious liquor in the name of Ayurvedic medicine. 93

persons have also been arrested in the extensive raids carried out in Delhi. 337 criminal cases have been registered.

(d) An ex gratia assistance of Rs. 10,000/- to the next of kin of each deceased and Rs. 5,000/- to each person rendered blind by the consumption of this spurious liquor has been sanctioned by the Delhi Administration.

[Translation]

Vayudoot Service between Delhi and Kanpur

1851. SHRI KESRI LAL: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether the Vayudoot Services between Delhi and Kanpur have been suspended;

(b) if so, the reasons therefor; and

(c) the steps taken by the Government to start Vayudoot services from Kanpur to Delhi, Calcutta, Madras and other important cities of the country?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI MADHAVRAO SCINDIA): (a) and (b). Vayudoot services between Delhi and Kanpur have been suspended due to shortage of aircraft capacity.

(d) Due to capacity constraints, there is no possibility of restoration of Vayudoot services from Kanpur at present. Kanpur is already connected by Indian Airlines flights.

[English]

Cancellation of Trains on Bangalore-Mysore Route

1852. SHRIMATI CHANDRA PRABHAKUR : Will the Minister of RAILWAYS be pleased to state:

Annexure C

एवरेज मिकालकर उसको इस्टॉल कैपेसिटी की नेमप्लेट को चेंज किया जाय। उपसभाध्यक्ष महोदय, अफसोस की बात है कि अभी तक यहाँ पर ऐसा कोई सोच-विचार नहीं चल रहा है। उपसभाध्यक्ष महोदय, एक बड़ी मजदूर बात यह है कि इसका एक कारखाना नामरूप में है, हल्दिया में है, बरौनी में है, पर सी० एम०डी० का आफिस दिल्ली में है। मेरी सरकार से यह भी मांग है कि इसका हेड आफिस जहाँ कि सी० एम० डी० बैठता है उसको बिहार या बंगाल को ट्रांसफर किया जाय। यह अफसोस की बात है कि जनरल मैनैजर तक, इंजीनियर्स डिपार्टमेंट के लोग भी यहाँ बिठाए गए हैं। मैं आपके माध्यम से सरकार का ध्यान आकर्षण करते हुए मांग करता हूँ कि तुरंत इस पर कार्यवाही की जाए और बंद बरौनी फर्टीलायजर कारखाने को खोला जाए और यहाँ से हेड आफिस बिहार या बंगाल को ट्रांसफर किया जाय। धन्यवाद।

Recent tragedy in Delhi involving loss of human lives on account of consumption of 'Surat'

SHRI CHIMANBHAI MEHTA (Gujarat): Sir, I rise a Special Mention relating to 'Sura' drink, the illicit drink, that created havoc in the first week of November following Diwali days in Delhi when 200 persons were killed and more than 60 were blinded. This is a very tragic incident. And belatedly the Lieutenant-Governor ordered a judicial enquiry. First he ordered a magisterial enquiry. Then there was a protest that such a big tragedy should not be looked into only by the bureaucracy. Then the judicial enquiry was conceded. The point here is that Karnal factory where this 'sura' was produced as 'Karpur Asva', bottled with an ayurvedic label, that factory was allowed to produce this sort of a liquor, and the licence was validated in April, 1991 till 1992. Therefore, at that time, neither the officialdom nor anybody

thought of inspecting what this Pharmacy was doing. This is for the third time that that Pharmacy has shifted from one place to another. Sir, why I want to bring this to your notice is that the bureaucracy is always in league with this kind of bootleggers when the business goes on flourishing for a long time. This factory is operating since long. Sura manufacturers are also doing this sort of business. There is a legal lacuna. No inspection takes place because this is an ayurvedic medicine. So, one has to think about it that the ayurvedic medicines should also be inspected. Secondly, all these medicines should come under the Drug Control Act. Before giving the licence, these medicines should be certified. Otherwise, the door is open to manufacture illicit drinks in the name of ayurvedic medicines, and flourishing trade goes on for along time.

Sir, three people have been arrested in this case because it was a regular factory that was running. But, there are several cases, not here but in other States also, where alcohol is consumed just in a pure spirit form. And this is absolutely illegal. Very few persons are caught. In spite of judicial inquiries and so many people being arrested, ultimately none is punished. In Gujarat also, one bootlegger was jailed. He died in the jail. It was well-known that people connected with three political parties were owning a factory and selling distilled alcohol. And they had such an influence that no action could be taken against them. And they could carry on their business.

So, my point is that people go for this sort of a drink because it is very cheap. So, why should not the Government give permits to produce healthy cheap drinks? If it is an illegal thing, the bootleggers and the bureaucracy and the politicians

[Shri Chimanbhai Mehta]

gang up. And in the recent elections also, these mafias have become very active, and they have become members of the political parties. They derive their strength from this; this is one of their very important sources. Mafia leaders have also become now political leaders. They call it social change or whatever it is. But the things go on like this. So, one has to understand this. To stop this thing, let us accept the lesser evil, let us produce a cheap drink legally. And let the people consume it legally at a cheaper price. But let there be a proper order instead of this total chaotic situation that goes on. My suggestion is, let there be a certification procedure for Ayurvedic drugs also. That has to be done. And secondly, let the drinks be produced officially and it should be encouraged so that we can prevent this sort of illegal practice.

श्री राम नरेश पांडव (उत्तर प्रदेश) : महोदय, आपकी अनुमति से जो माननीय सदस्य ने अपने विचार रखे हैं, मैं भी उनसे अपने आपको संबद्ध करता हूँ और संबद्ध करते हुए यह निवेदन करना चाहता हूँ कि यह बहुत बड़ी घटना दिल्ली में घटी है और इसलिए जिस तरह से यह बनाई जा रही है और लोग इसे पी रहे हैं, इस पर सरकार को निगाह रखनी चाहिए और कड़ी से कड़ी कार्रवाई करनी चाहिए उनके खिलाफ जो ऐसा उत्पादन कर रहे हैं और लोगों को पीने को दे रहे हैं व जन-जीवन के साथ खिलवाड़ कर रहे हैं। इसलिए सरकार को इसे गंभीरता से लेना चाहिए।

SHRI V. NARAYANASAMY (Pondichery): Sir, I associate with the hon. Member. The Government may review all the Ayurvedic medicines which are under circulation now because alcohol content is more in those medicines which are being used by them. Secondly, Sir, I want the Government to come out with a statement about this tragedy.

Continuing strike by service Doctors all over the country

SHRI SUKOMAL SEN (West Bengal): Sir, a very serious situation has arisen in the country in view of the indefinite strike by about 10,000 Central Government doctors working in Central Government hospitals, CGHS dispensaries and Railway hospitals of the country since November 12, 1991. Sir, I think these doctors have been led to this path of direct action in view of the Government's apathy towards their long-standing problems. Sir, you might be recalling that as far back as in August, 1989 there was also an indefinite strike by the doctors of the Central Government. At that time an agreement was reached between the doctors' striking committee and the Government, as a result of which the Tikku Committee was constituted for recommending on the promotional avenues and other aspects of service conditions of the doctors. What happened? Though the Tikku Committee report came out in October, 1990 — one year has elapsed — till now the Government has not acted upon the Tikku Committee report. The Health Ministry did not care for the implementation of the report and did not even talk to the doctors regarding the report. But the doctors, I think, have made relentless efforts for a negotiated settlement of the demands. Due to the silence, apathy and indifferent of the Government, ultimately the doctors have decided to go on an indefinite strike. As a result of the strike by 10,000 doctors lakhs of patients are badly suffering throughout the country. I think the Government may have a particular attitude towards the doctors. But what is the attitude of the Government towards the patients who are ultimately the sufferers? Lakhs of patients are suffering; even then the Government is keeping silent. Sir, in view of this chaotic situation, particularly in view

Annexure D

**MINUTES OF FORTYSECOND DRUGS TECHNICAL
ADVISORY BOARD MEETING HELD ON JANUARY 22,
1992 AT NEW DELHI.**

The Chairman, Dr. G.K. Vishwakarma, DGHS, welcomed the Members attending the meeting and stated that the meeting of the board could not be held in 1991 as the membership of most of the elected/nominated members of the Board had expired and it took time to reconstitute the Board.

The Chairman expressed the hope that the Board would consider the agenda items from all technical aspects and give their expert views. He requested the members to introduce themselves after which he asked the Drugs Controller (I) to start the agenda.

The Members Secretary, Dr. Prem K. Gupta, Drugs Controller (I), welcomed the Members and stated that the Board has been reconstituted and the notification for the nominated/elected members will be issued shortly. The agenda items were then taken up for consideration.

ITEM NO. 1

Confirmation of the minutes of the Forty first meeting held on 7th March, 1990 at New Delhi.

Member Secretary informed that no comments have been received on the minutes of the last meeting. The Minutes of the meeting on 9th March, 1990 were, therefore, confirmed.

ITEM NO. 2

Consideration of the question arising out of the minutes of the Forty first meeting.

Member Secretary informed that action on various decision arrived at in the last meeting has been taken and the statement has been annexed along with the agenda. The action taken was noted by the members.

ITEM NO. 3

Inclusion of standards of BIS for CUT 200 B under the Drugs and Cosmetics Rules.

Member Secretary informed that the standards for Copper-T 200 B as prepared by BIS, were required to be incorporated in the Drugs and Cosmetics Rules to facilitate the testing and monitor the quality. It became necessary to make rules without consulting the DTAB. The Drugs and Cosmetics Rules were amended, vide GSR No. 495 (E) dated 25/7/1991. The step was taken in public interest and the Board Members are requested to approve the action taken.

The Board approved the said amendment of Drugs and Cosmetics Rules.

ITEM NO. 19

Consideration of need to incorporate the word ‘Name of the Drug after serial No. 2 of Forms 26 and 26-C.

DTAB approved the proposal to incorporate the words, ‘name of the drug’ in Form 26 and 26 C of the Drugs and Cosmetics Rules as these words appeared in all other Forms.

ITEM NO. 20

Consideration of the question of adoption of standards for Ophthalmic preparations laid down under Schedule FF for Homeopathic Ophthalmic preparation.

The Board approved the proposal to include the new rule, 126-B after rule 126-A providing that homeopathic ophthalmic preparations shall comply with standards laid down under Schedule FF of the Drugs and Cosmetics Rules and also with standards specified in Second Schedule to the Act.

ITEM NO. 21

Consideration of the question to permit the Merchant exporters to avail the facilities of using the code number already permitted to the manufacturer under Rule 94 of the Drugs and Cosmetics Rules.

Member Secretary explained the difficulties being faced by the Merchant Exporters who are exporting drugs under code number. As per Rules 94 and 147 of the Drugs and Cosmetics Rules, the manufacturers are allowed to export drugs/cosmetics under a Code number. The merchant exporters, not being the manufactures, cannot avail the exemption under code number as they have to buy the drugs from the manufacturers as a domestic sale and the label should conform to Rule 96.

The members felt that in order to exports, Rules 94 and Rule 147 of the Drugs and Cosmetics Rules should be suitably amended to enable merchant exporters to also avail the facility of using the code number for export of drugs.

The Board approved the proposal.

ITEM NO. 22

Consideration of amending Rule 106-A (iii)-A of Drugs and Cosmetics Rules expressing the proportion of ingredients in terms of Metric System for labeling Homoeopathic Formulations.

The Board considered and approved the proposal of homoeopathic subcommittee to amend Rule 106-A (iii)-A.

ITEM NO. 23

Consideration for amending labeling and packing provision under Rule 106-A.

Member Secretary drew the attention of the members of the recent tragedy due to consumption of illicit liquor sold under the name of Ayurvedic Medicines. It is felt that Homoeopathic Mother Tinctures and formulations of Homeopathic Medicines containing high percentage of Alcohol are also likely to be misused.

Ministry of Health and Family Welfare desires that Drugs and Cosmetics Rules should be amended to fix the upper limit of packing size of Homeopathic Medicines containing more than 12% v/v of alcohol as 30 ml.

The Board approved the proposal to suitably amend Rule 106-A.

ITEM NO. 24

Consideration of the question of abolition of Loan Licensing System.

Member Secretary observed that the Board had earlier approved the proposal to discontinue loan licensing system as per the decisions of Cabinet Committee on Economics Affairs. He informed the Members about the latest position on the discontinuation of loan licence system. It was explained that the draft notification to amend the Drugs and Cosmetics Rules, deleting the provisions of loan licence system (except for Gamma Radiation) with effect from 31/12/1991, was published in the Gazette on 6/11/1991. Subsequently, some manufacturers have obtained stay of further operation from the High Court in various States. The finalized amendment has been sent to the Ministry for notification.

Some members desired to go through the proposed final amendment and stated that they would send their comments, if any, within two weeks.

The Board agreed, in principle, to the proposal to discontinue loan licence system and authorized the Member Secretary to amend the Rules as per decision of the Govt. and subject to the Court Ruling.

The meeting ended with a vote of thanks to the Chair.

Annexure E



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 81]

नई दिल्ली, मंगलवार, फरवरी 22, 1994/फाल्गुन 3, 1915

No. 81]

NEW DELHI, TUESDAY, FEBRUARY 22, 1994/PHALGUNA 3, 1915

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

ग्रधिमूचना

नई दिल्ली, 22 फरवरी, 1994

मा. का. नि. 108(प्र).—ओषधि और प्रमाधन सामग्री नियम 1945 का और संशोधन करने के लिए कतिपय नियमों का एक प्रारूप, ओषधि और प्रमाधन सामग्री अधिनियम, 1940 (1940 का 23) की धारा 12 और धारा 33 की अपेक्षानुसार भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (1), तारीख 3 जुलाई, 1992 में भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिमूचना संख्यांक मा. का. नि. 662(प्र), तारीख 3 जुलाई, 1992 द्वारा प्रकाशित किया गया था जिसमें उक्त सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, साठ दिन की अवधि की समाप्ति के पूर्व आक्षेप और सुझाव मांगे गए थे।

और राजपत्र की प्रतियां जनता को 4 दिसम्बर, 1992 को उपलब्ध करा दी गई थीं।

और केन्द्रीय सरकार ने, उक्त प्रारूप नियम के संबंध में जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया है।

प्रतः, प्रव. केन्द्रीय सरकार, उक्त अधिनियम की धारा 12 और धारा 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ओषधि सहायकार

बोर्ड से परामर्श करने के पश्चात् ओषधि और प्रमाधन सामग्री नियम 1945 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्—

(1) इन नियमों का मंथित नाम ओषधि और प्रमाधन सामग्री (प्रथम संशोधन) नियम, 1994 है।

(2) ये राजपत्र में प्रकाशन की तारीख से चार मास के पश्चात् प्रवृत्त होंगे।

2. ओषधि और प्रमाधन सामग्री नियम, 1945 के विन 103 क में :

(i) उपनियम (प्र) में, खंड (5) के पश्चात् परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा, अर्थात्—

“परन्तु यदि आधान में संयोज्य होमियोपैथिक ओषधि का कुल परिमाण 30 मिलीलीटर या उससे कम है तो लेबल पर एल्कोहल संश्लेषण कथित करना आवश्यक नहीं होगा।”

(ii) उपनियम (द) के पश्चात् निम्नलिखित नियम अंतर्स्थापित किया जाएगा, अर्थात् :-

“106 ख. परिमाण और प्रविणता पर प्रतिबंध—ऐसी कोई होमियोपैथिक ओषधि जिसमें वो/बी एल्कोहल (एथिल एल्कोहल) 12 प्रतिशत से अधिक है 30 मिलीलीटर से अधिक की पैकिंग या बोतलों में

पेक और विक्रम नहीं की जाएगी, सिवाय इसके कि उसका 100 मिली-लीटर से अधिक की पैकिंग या बोतलों में अथवा नालों/ओषधियों को विक्रम किया जा सकेगा।”

[सं. 13-6/92—डी. सी. (डी एम एस एवं पी एफ 5)]

शैलजा चन्द्र, संयुक्त सचिव

औषधि और प्रसाधन सामग्री नियम, 1945, 1-5-79 तक यथा संशोधित रूप में स्वास्थ्य और परिवार कल्याण (स्वास्थ्य विभाग) उपखंड में जिनमें औषधि और प्रसाधन सामग्री, अधिनियम और नियम (पी. डी. बी. एम.) भी सम्मिलित हैं, अन्तर्निष्ठ हैं। तत्पश्चात् उक्त नियमों में भारत के राजपत्र भाग-2, खंड-3 (3) (i) में प्रकाशित निम्न-लिखित अधिसूचनाओं द्वारा संशोधित किए गए हैं:—

1. सा. का. नि. 1241 तारीख 6-10-1979
2. सा. का. नि. 1242 तारीख 6-10-1979
3. सा. का. नि. 1243 तारीख 6-10-79
4. सा. का. नि. 1281 तारीख 12-10-79
5. सा. का. नि. 430 तारीख 19-4-80
6. सा. का. नि. 779 तारीख 26-7-80
7. सा. का. नि. 540(अ) तारीख 22-9-80
8. सा. का. नि. 680(अ) तारीख 5-12-80
9. सा. का. नि. 681(अ) तारीख 5-12-80
10. सा. का. नि. 682(अ) तारीख 5-12-80
11. सा. का. नि. 27(अ) तारीख 17-1-81
12. सा. का. नि. 478(अ) तारीख 6-8-81
13. सा. का. नि. 62(अ) तारीख 15-2-82
14. सा. का. नि. 462(अ) तारीख 22-6-82
15. सा. का. नि. 510(अ) तारीख 26-7-82
16. सा. का. नि. 13(अ) तारीख 26-7-82
17. सा. का. नि. 318(अ) तारीख 1-5-84
18. सा. का. नि. 331(अ) तारीख 8-5-84
19. सा. का. नि. 460(अ) तारीख 20-6-84
20. सा. का. नि. 487(अ) तारीख 2-07-84
21. सा. का. नि. 89(अ) तारीख 16-2-85
22. सा. का. नि. 758(अ) तारीख 10-10-85
23. सा. का. नि. 17(अ) तारीख 7-1-84
24. सा. का. नि. 1049(अ) तारीख 29-5-86
25. सा. का. नि. 1060 (अ) तारीख 5-9-86
26. सा. का. नि. 1115(अ) तारीख 30-9-86
27. सा. का. नि. 71(अ) तारीख 30-1-87
28. सा. का. नि. 570(अ) तारीख 12-6-87
29. सा. का. नि. 626(अ) तारीख 2-7-87
30. सा. का. नि. 792(अ) तारीख 17-9-87
31. सा. का. नि. 371(अ) तारीख 14-3-88
32. सा. का. नि. 75(अ) तारीख 2-6-88
33. सा. का. नि. 675(अ) तारीख 2-6-88
34. सा. का. नि. 676(अ) तारीख 2-6-88
35. सा. का. नि. 677(अ) तारीख 2-6-89
36. सा. का. नि. 681(अ) तारीख 6-6-88
37. सा. का. नि. 735(अ) तारीख 24-6-88
38. सा. का. नि. 813(अ) तारीख 27-7-88
39. सा. का. नि. 944(अ) तारीख 21-9-88
40. सा. का. नि. 43(अ) तारीख 20-1-89
41. सा. का. नि. 44(अ) तारीख 20-1-89
42. सा. का. नि. 100(अ) तारीख 14-2-89
43. सा. का. नि. 443(अ) तारीख 12-4-89

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44. सा. का. नि. 588(अ) तारीख 2-6-89.
45. सा. का. नि. 691(अ) तारीख 11-7-89
46. सा. का. नि. 784(अ) तारीख 28-8-89
47. सा. का. नि. 16(अ) तारीख 1-10-89
48. सा. का. नि. 731(अ) तारीख 23-8-90
49. सा. का. नि. 865(अ) तारीख 25-10-90
50. सा. का. नि. 11(अ) तारीख 7-1-91
51. सा. का. नि. 223(अ) तारीख 19-4-91
52. सा. का. नि. 246(अ) तारीख 1-5-91
53. सा. का. नि. 301(अ) तारीख 7-6-91
54. सा. का. नि. 302(अ) तारीख 7-6-91
55. सा. का. नि. 491(अ) तारीख 25-7-91
56. सा. का. नि. 495(अ) तारीख 25-7-91
57. सा. का. नि. 532(अ) तारीख 14-8-91
58. सा. का. नि. 626(अ) तारीख 14-10-91
59. सा. का. नि. 668(अ) तारीख 7-11-91
60. सा. का. नि. 730(अ) तारीख 10-12-91
61. सा. का. नि. 59(अ) तारीख 22-1-92
62. सा. का. नि. 305(अ) तारीख 4-3-92
63. सा. का. नि. 445(अ) तारीख 30-1-92
64. सा. का. नि. 597(अ) तारीख 17-6-92
65. सा. का. नि. 663(अ) तारीख 3-7-92
66. सा. का. नि. 723(अ) तारीख 11-8-92
67. सा. का. नि. 798(अ) तारीख 1-10-92
68. सा. का. नि. 877(अ) तारीख 17-11-92
69. सा. का. नि. 909(अ) तारीख 7-12-92
70. सा. का. नि. 923(अ) तारीख 14-12-92
71. सा. का. नि. 27(अ) तारीख 22-1-93 (शुद्धिपत्र)
72. सा. का. नि. 28(अ) तारीख 22-1-93
73. सा. का. नि. 86(अ) तारीख 26-2-93
74. सा. का. नि. 296(अ) तारीख 24-3-93
75. सा. का. नि. 373(अ) तारीख 13-4-93 (शुद्धिपत्र)
76. सा. का. नि. 374(अ) तारीख 13-4-93 (शुद्धिपत्र)
77. सा. का. नि. 447(अ) तारीख 10-6-93 (शुद्धि पत्र)
78. सा. का. नि. 658(अ) तारीख 19-10-93

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MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

NOTIFICATION

New Delhi, the 22nd February, 1994

G.S.R. 108(E).—Whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945 was published as required by Sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), with the Notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health) Number GSR 662(E), dated

the 3rd July, 1992 in the Gazette of India Extraordinary Part II, Section 3, Sub-section (i), dated the 3rd July, 1992 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of period of sixty days from the date on which the copies of the Gazette were made available to the public.

And whereas the copies of the Gazette were made available to the public on the 4-12-92.

And whereas the objections and suggestions received from the public on the said draft rules have been taken into consideration by the Central Government.

Now, therefore, in exercise of the powers conferred by Sections 12 and 33 of the said Act, the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called the Drugs and Cosmetics (1st Amendment) Rules, 1994.

(2) They shall come into force after four months from the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945, in rule 106 A :—

(i) In sub-rule (a), after clause (v), the proviso shall be substituted namely :—

“Provided that in case that the total quantity of the pharmacopoeial Homoeopathic medicine in the container is 30 millilitre or less, it will not be necessary to state the content of alcohol in the label.”

(ii) after sub-rule (c) the following rule shall be inserted, namely :—

“106-B. Prohibition of quantity and percentage—No homoeopathic medicine containing more than 12% alcohol v/v (Ethyl Alcohol) shall be packed and sold in packing or bottles of more than 30 millilitres, except that it may be sold to hospitals/dispensaries in packings or bottles of not more than 100 millilitres.”

[No. 18-6/92(DC)DMS & PFA]

SHAILAJA CHANDRA, Jt. Secy.

Note : The Drugs & Cosmetics Rules, 1945 as amended upto 1-5-1979 is contained in the publication of the Ministry of Health & Family Welfare (Department of Health) containing the Drugs & Cosmetics Act and the Rules (PDGHS-61). Subsequently the said rules have been amended by the

following notifications published in Part II, Section 3, Sub-section (i) of the Gazette of India, namely :—

1. GSR 1241 dated 6-10-1979
2. GSR 1242 dated 6-10-1979
3. GSR 1243 dated 6-10-1979
4. GSR 1281 dated 12-10-1979
5. GSR 430 dated 19-04-1980
6. GSR 779 dated 26-7-1980.
7. GSR 540(E), dated 22-9-1980
8. GSR 680(E), dated 5-12-1980
9. GSR 681(E), dated 5-12-1980
10. GSR 682(E), dated 5-12-1980.
11. GSR 27(E), dated 17-1-1981
12. GSR 478(E), dated 6-8-1981
13. GSR 62(E), dated 5-2-1982
14. GSR 462(E), dated 22-6-1982
15. GSR 510(E), dated 26-7-1982
16. GSR 13(E), dated 7-1-1983
17. GSR 318(E), dated 1-5-1984
18. GSR 331(E), dated 8-5-1984
19. GSR 460(E), dated 20-6-1984
20. GSR 487(E), dated 2-7-1984
21. GSR 89(E), dated 16-2-1985
22. GSR 758(E), dated 10-10-1985
23. GSR 17(E), dated 7-1-1986
24. GSR 1049(E), dated 29-8-1986
25. GSR 1060(E), dated 5-9-1986
26. GSR 1115(E), dated 30-9-1986
27. GSR 71(E), dated 30-1-1987
28. GSR 570(E), dated 12-6-1987
29. GSR 626(E), dated 2-7-1987
30. GSR 792(E), dated 17-9-1987
31. GSR 371(E), dated 24-3-1988
32. GSR 75(E), dated 2-6-1988
33. GSR 675(E), dated 2-6-1988
34. GSR 676(E), dated 2-6-1988
35. GSR 677(E), dated 2-6-1988
36. GSR 680(E), dated 6-6-1988
37. GSR 735(E), dated 24-6-1988
38. GSR 813(E), dated 27-7-1988
39. GSR 944(E), dated 21-9-1988 Corrigendum
40. GSR 43(E), dated 20-1-1989 Corrigendum
41. GSR 44(E), dated 20-1-1989 Corrigendum
42. GSR 100(E), dated 14-2-1989 Corrigendum
43. GSR 443(E), dated 12-4-1989
44. GSR 588(E), dated 2-6-1989 Corrigendum
45. GSR 691(E), dated 11-7-1989
46. GSR 784(E), dated 28-8-1989
47. GSR 16(E), dated 10-1-1990

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| 48. GSR 731(E), dated 23-8-1990 | 65. GSR 663(E), dated 3-7-1992 |
| 49. GSR 865(E), dated 25-10-1990 | 66. GSR 723(E), dated 11-8-1992 |
| 50. GSR 11(E), dated 7-1-1990 | 67. GSR 796(E), dated 1-10-1992 |
| 51. GSR 223(E), dated 19-4-1991 | 68. GSR 904(E), dated 2-11-1992 |
| 52. GSR 246(E), dated 1-5-1991 | 69. GSR 877(E), dated 17-11-1992 |
| 53. GSR 301(E), dated 7-6-1991 | 70. GSR 923(E), dated 14-12-1992 |
| 54. GSR 302(E), dated 7-6-1991 | 71. GSR 27(E), dated 22-1-1993 (Corrigendum) |
| 55. GSR 491(E), dated 25-7-1991 | 72. GSR 28(E), dated 22-1-1993 |
| 56. GSR 495(E), dated 25-7-1991 | 73. GSR 86(E), dated 26-2-1993 |
| 57. GSR 532(E), dated 14-8-91 | 74. GSR 296(E), dated 24-3-1993 |
| 58. GSR 626(E), dated 1-10-1991 | 75. GSR 373(E), dated 13-4-1993 |
| 59. GSR 668(E), dated 1-11-1991 | 76. GSR 374(E), dated 13-4-1993 |
| 60. GSR 730(E), dated 10-12-1991. | 77. GSR 447(E), dated 10-6-93 (Corrigendum) |
| 61. GSR 59(E), dated 22-1-1992 | 78. GSR 658(E), dated 19-10-93 |
| 62. GSR 305(E), dated 4-3-1992 Corrigendum | |
| 63. GSR 445(E), dated 30-4-1992 | |
| 64. GSR 597(E), dated 17-6-1992 | |

Annexure F

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HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Court No. - 27

Case :- MISC. BENCH No. - 5486 of 2004

Petitioner :- Mrs.Shalini Rastogi {Excise}

Respondent :- Union Of India Thro.Secy.Ministry Of Health Family New Delhi

Petitioner Counsel :- Jai Deep Narain Mathur

Respondent Counsel :- C.S.C.,Dipak Seth

Hon'ble Devi Prasad Singh,J.

Hon'ble Devendra Kumar Arora,J.

Heard learned counsel for the parties and perused the record.

While preferring the writ petition, the petitioner has challenged the validity of Rule 106B of the Drugs and Cosmetics Rules, 1945 to declare it ultra vires.

While exercising the powers in pursuance to amend the Rule, notice was issued to the petitioner, questioning the size of bottle used as container to keep Ethyl Alcohol. While issuing the notice, it has been pointed out that the action of the petitioner is violative of Rule 106B read with other provisions of Drugs and Cosmetics Rules.

Dr. Ashok Nigam, learned Additional Solicitor General of India has invited attention of this Court towards various judgments of different High Courts as well as Hon'ble Apex Court, whereby the provisions have been held to be intra vires. The judgments relied upon by Dr. Ashok Nigam are as under:-

1. W.P. No. (C) 5555 of 1997, R.S. Bhargava Pharmacy Vs. Union of India and others and other connected petitions decided by the High Court of Delhi on 08.02.2008.
2. W.P. (MD) No. 11971 of 2008, Dr. G.P. Hahnemann Vs. The Drug Controller of Tamil Nadu and other connected petitions decided by the Madurai Bench of Madras High Court on 01.02.2010.
3. W.P. no. 4666 of 1995, Shri Krishna Homeo Pharmacy Vs. Union of India decided by the High Court of Bombay on 28.09.2005 (para-7).
4. W.P. no. 21636 of 1994, Rama Krishna Pharmaceuticals Vs. Union of India and others decided by the High Court of Andhra Pradesh on 20.07.2007.
5. Southern Pharmaceuticals Vs. State of Kerala, AIR 1981 SC 1863 (para13,14 and 15).

We are in respectful agreement with the aforesaid judgments. We do not find any reason to take a different view.

Accordingly, the writ petition is disposed of with liberty to petitioner to file objection against the impugned notice within one month. In case, any objection is filed, it shall be adjudicated by the authority concerned in accordance to law expeditiously, say within a period of one month.

Till the decision is taken in pursuance to the objection filed, no coercive action shall be taken.

Order Date :- 13.1.2012

Tanveer/Suresh/

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Annexure G

ITEM NO.201

COURT NO.9

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17839/2007

(Arising out of impugned final judgment and order dated 20/07/2007 in WP No. 21636/1994 passed by the High Court of A.P. at Hyderabad)

RAMAKRISHNA PHARMASEUTICALS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with appln. (s) for impleadment and intervention and office report)

[FOR FINAL DISPOSAL]

WITH

SLP(C) No. 6431/2008

(With Interim Relief and Office Report)

SLP(C) No. 9486/2008

(With Interim Relief and Office Report)

W.P.(C) No. 148/2010

(With appln.(s) for stay and appln.(s) for intervention and stay and office report)

Date : 05/12/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

SLP 17839

Mr. Vidya K. Sagar, Adv.

Mr. S. K. Sabharwal, Adv.

SLP 6431

Mr. Praveen Kumar Singh, Adv.

Mr. Balkrishan Sharma, Adv.

Mr. M.D. Ziauddin Ahmad, Adv.

Mr. Rajiv Shankar Dvivedi, Adv.

SLP 9486

Mr. Akhilesh Kr. Pandey, Adv.

Mr. Shrish Kumar Misra, Adv.

WP 148

Mr. Partha Sil, Adv.

Signature Not Verified

Digitally signed by
Pardeep Kumar
Date: 2014.12.05
17:05:58 SAST
Reason: 

For Respondent(s) Mr. K. Datta, Adv.
Mr. Manish Srivastava, Adv.
Mr. Ashish Verma, Adv.
Mr. Abhay Kumar, Adv.

Mr. Atishi Dipankar, Adv.

Mr. P.S. Patwalia, ASG
Ms. Sunita Sharma, Adv.
Ms. Charul Sareen, Adv. for
Mr. D. S. Mahra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP (C) Nos. 17839/2007, 6431/2008, 9486/2008:

Special leave petitions are dismissed. Pending application(s), if any, stands disposed of.

W.P. (C) No. 148 of 2010:

Learned counsel for the petitioners seeks withdrawal of writ petition.

Writ Petition is, accordingly, dismissed as withdrawn with liberty to the petitioners to approach the High Court.

(PARDEEP KUMAR)
AR-cum-PS

(JASWINDER KAUR)
COURT MASTER

Annexure H

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL Nos. 1777-1789 OF 2017)

UNION OF INDIA THR. SECRETARY & ORS. Petitioner(s)

Versus

M/S. ADVEN BIOTECH PVT. LTD. & ORS. Respondent(s)

O R D E R

Office report dated 09.11.2017 indicates that service of show cause notice is not complete in some of the matters.

We have heard learned counsel for the parties.

For the grounds stated in the transfer petitions, we are satisfied that the prayer made on behalf of the petitioner for transfer of Civil Writ Petition No. 13300 of 2015 titled as M/s. Advent Biotech Pvt. Ltd. Vs. Union of India & Ors pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12571 of 2016 titled as M/s. Dr. Lormans Homeopathic Associates Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12568 of 2016 titled as M/s. S.S.Homeo Doctor Pharmaceutical Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12569 of 2016 titled as Shiv Shankar Homeo Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12682 of 2016 titled as M/s.

Jnson Laboratories (P) Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 10605 of 2011 titled as M/s. Bhandari Homeopathic Laboratories Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 3676 of 2015 titled as Bakson Drugs and Pharmaceutical Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Himachal Pradesh at Shimla,

W.P.No. 8062 of 2015 titled as Bengal Homeopathic Manufacturers' Association & Anr. pending before the High Court of Calcutta, Civil Writ Petition No. 24829 of 2015 titled as Kudos Laboratories Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Calcutta, D.B.Civil Writ Petition No. 10597 of 2015 titled as Bhargava Phytolab Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Rajasthan at Jaipur, Writ Petition NO. 1992 of 2015 titled as M/s. Bharat Homeo Store Vs. Union of India & Ors. pending before the High Court of Uttarakhand at Nainital, Civil Writ Petition No. 1407 of 2016 titled as M/s. Himani Homeopathic Pharmacy Vs. Union of India & Ors. pending before the High Court of Delhi at New Delhi, C.W.J.C. No. 3135 of 2016 titled as M/s. Lalita Homeo Pharmacy Vs. Union of India & Ors. pending before the High Court of Patna are justified and are fit to be allowed.

We, accordingly direct transfer of Civil Writ Petition No. 13300 of 2015 titled as M/s. Advent Biotech Pvt. Ltd. Vs. Union of India & Ors pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12571 of 2016 titled as M/s.

Dr. Lormans Homeopathic Associates Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12568 of 2016 titled as M/s. S.S.Homeo Doctor Pharmaceutical Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12569 of 2016 titled as Shiv Shankar Homeo Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 12682 of 2016 titled as M/s. Jnson Laboratories (P) Ltd. Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 10605 of 2011 titled as M/s. Bhandari Homeopathic Laboratories Vs. Union of India & Ors. pending before the High Court of Punjab and Haryana at Chandigarh, Civil Writ Petition No. 3676 of 2015 titled as Bakson Drugs and Pharmaceutical Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Himachal Pradesh at Shimla, W.P.No. 8062 of 2015 titled as Bengal Homeopathic Manufacturers' Association & Anr. pending before the High Court of Calcutta, Civil Writ Petition No. 24829 of 2015 titled as Kudos Laboratories Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Calcutta, D.B.Civil Writ Petition No. 10597 of 2015 titled as Bhargava Phytolab Pvt. Ltd. Vs. Union of India & Ors. pending before the High Court of Rajasthan at Jaipur, Writ Petition NO. 1992 of 2015 titled as M/s. Bharat Homeo Store Vs. Union of India & Ors. pending before the High Court of Uttarakhand at Nainital, Civil Writ Petition No. 1407 of 2016 titled as M/s. Himani Homeopathic Pharmacy Vs. Union of India & Ors. pending before the

High Court of Delhi at New Delhi, C.W.J.C. No. 3135 of 2016 titled as M/s. Lalita Homeo Pharmacy Vs. Union of India & Ors. pending before the High Court of Patna to this Hon'ble Court.

Let the record of the cases be transferred without delay.

The transfer petitions are allowed in the afore-stated terms.

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(SANJAY KISHAN KAUL)

New Delhi,
Dated: 10th November, 2017.

ITEM NO.53

COURT NO.12

SECTION XVI -A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s) (Civil) No(s). 1777-1789/2017

UNION OF INDIA THR SECRETARY

Petitioner(s)

VERSUS

M/S ADVEN BIOTECH PVT LTD
(FOR ADMISSION)

Respondent(s)

Date : 10-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Ms. Pinky Anand, ASG,
Mr. Vijay Prakash, Adv.
Mr. Surender Kumar Gupta, Adv.
Mr. Gurmeet Singh Makker, AOR

For Respondent(s) Mr. Manish Srivastava, Adv.
Mr. Virendra Mishra, Adv.
MS. Moulshree Shukla, Adv.

Mr. Birendra Kumar Mishra, Adv.
Ms. Mouli, Adv.
Ms. Poonam, Adv.

Ms. Nandini Sen Mukherjee, AOR
Mr. VVV Sastry, Adv.

Mr. Sunil Kumar Sharma, Adv.

Mr. Varun Singh, Adv.
Ms. Archana Singh, Adv.

Mr. Saurabh Trivedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The transfer petitions are allowed in terms of the signed order.

(SHASHI SAREEN)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)