



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 307/2022 & I.A. 15553/2022**

NOVARTIS AG & ANR.

..... Plaintiffs

Through: Mr. Siddhant Sharma & Ms. Garima
Mehta, Advocates. (M:9873137032)

versus

MSN LABORATORIES PRIVATE LIMITED

..... Defendant

Through: Ms. Rajeshwari H., Ms. Swapnil Gaur
and Mr. Deepanshu Nagar, Advocates
for D-1. (M:8826968200)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **22.09.2022**

1. This hearing has been done through hybrid mode.

I.A. 15553/2022(u/O VI R 17 CPC) in CS(COMM) 307/2022

2. This is an application under Order VI Rule 17 CPC on behalf of the Defendant No.1 for amending the written statement. The plea in this application is that the manufacturing license for 'RIBOCICLIB' from the DCGI has been received by the said Defendant on 8th June, 2022. However, due to a communication error the same was not disclosed in the written statement filed on 3rd September, 2022.

3. Issue Notice in this application. Ld. Counsel for the Plaintiffs accepts notice.

4. Vide order dated 26th May, 2022, the Court had directed that if a manufacturing license is issued in respect of 'RIBOCICLIB', before taking any further steps for the commercial manufacture/ launch of any product,



Defendant No.1 shall move an application informing the Court of said license having been granted. The relevant portion of the order reads as under:

12. It is made clear that if a manufacturing licence is issued in respect of Ribociclib, before taking any further steps for the commercial manufacture / launch of any product or pharmaceutical preparation in respect of Ribociclib, the Defendant No.1 shall move an application before the Court, informing the Court of the said licence having been granted. At that stage, the Court would consider if any further orders have to be passed. Accordingly, I.A. 7325/2022 is disposed of.

5. Since the manufacturing license has now been received, Defendant No.1 shall disclose if any steps have been taken by it for commercial manufacture or launch of the product, by way of an affidavit within four weeks.
6. Let a reply to the application be filed by the Plaintiffs within four weeks. Rejoinder, thereto, be filed within four weeks.
7. List on 5th December, 2022.

PRATHIBA M. SINGH, J.

SEPTEMBER 22, 2022

dj/sk