

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA No.GA/1/2025
In
CS/61/2025
GLENMARK PHARMACEUTICALS LIMITED
VS.
WEST BENGAL MEDICAL AND SALES REPRESENTATIVES UNION & ORS.

IA No.GA/2/2025
In
CS/61/2025
GLENMARK PHARMACEUTICALS LIMITED
VS.
WEST BENGAL MEDICAL AND SALES REPRESENTATIVES UNION & ORS.

IA No.GA/3/2025
In
CS/61/2025
GLENMARK PHARMACEUTICALS LIMITED
VS.
WEST BENGAL MEDICAL AND SALES REPRESENTATIVES UNION & ORS.

IA No.GA/4/2025
In
CS/61/2025
GLENMARK PHARMACEUTICALS LIMITED
VS.
WEST BENGAL MEDICAL AND SALES REPRESENTATIVES UNION & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 1st September, 2026.

Mr. Dhrubo Ghosh, Sr. Adv.(VC), Mr. Altamash Alim,
Ms. Ankita Upadhyay, Advocates for the plaintiff.

Mr. Aninda Lahiri, Ms. Dipika Banu, Mr. Subhadip
Chakraborty, Advocates for the defendants.

The Court: In course of hearing the parties have brought to the notice of this Court an order dated 25th August, 2025 passed in GA/1/2024 and GA/3/2024 filed in CS 207 of 2024 (Abbott Healthcare Private Limited Vs. Federation of Medical And Sales Representatives Associations of India And Ors.). The order of the Single Bench dated 25th August, 2025 was further clarified by a Division Bench of this Court by an order dated 25th September, 2025 passed in APOT/271/2025 (Abbott Healthcare Private Limited Vs. Federation of Medical And Sales Representatives Association of India And Ors.) and APOT/272/2025, IA NO: GA/1/2025 (Abbott Healthcare Private Limited Vs. Federation of Medical And Sales Representatives Associations of India And Ors.)

The allegations contained in the plaint as also in the injunction applications filed in CS 207 of 2024 being GA/1/2024 are similar to the allegations contained in the plaint filed in the instant suit or may be identical. The only departure as appears from the submissions made by the parties is that the defendants/respondents have not yet started any agitation or demonstration outside the office of the plaintiff company which may be due to the pendency of the interim order of injunction. The interim order of injunction passed in GA/1/2025 dated 20th June, 2025 is in terms of prayer (a) and (e) of

the application which is set out below:-

“a) An order of temporary injunction be passed restraining the Respondents, its office bearers, men, agent, members, and assigns from creating any sort of obstruction or hindrance in the running of the business and the working of the petitioner and its employees in Kolkata and throughout the State of West Bengal;

e) An order of temporary injunction restraining the Respondents, its office bearers, men, agents, members and assigns from restraining the Petitioner and its employees from meeting doctors, healthcare professionals, chemists, distributors/wholesalers in Kolkata as well as in the State of West Bengal in their respective chambers or elsewhere in the course of their daily field work;”

The defendants, however, on the other hand say that the allegation of the plaintiff that the members of the defendant no.1 are preventing the sales representatives of the plaintiff company from visiting the chambers of the doctors is out and out incorrect. Unless the sales representatives visit the doctor's chamber, they would not be earning the incentives which will prejudice the interest of the defendant no.1 as many of them may be members of the defendant no.1.

In the aforesaid facts and circumstances, I find that the plaintiff's application being GA 1 of 2025 inter alia for injunction, the applications by the defendants being GA 2 of 2025 and GA 3 of 2025 for vacating the interim order and the application for rejection of the plaint being GA 4 of 2025 also made by

the defendants can be disposed of by passing a common order in the same line as that of the Division Bench in the matter of *Abbott Healthcare Private Limited Vs. Federation of Medical And Sales Representatives Associations of India And Ors.* passed on 25th September, 2025 by clarifying the interim order dated 20th June, 2025 passed in the application being GA 1 of 2025 in terms of prayers (a) and (e) of the said application.

Hence, the following orders are passed :

- i. The defendants, its office bearers, men, agents, members and assigns will not be entitled to hold any demonstration or do anything in pursuance of their right under the Trade Unions Act within 50 metres of the plaintiff's office premises in Kolkata and at other places in West Bengal.
- ii. The defendants, its office bearers, men, agents, members and assigns shall have no access to the office premises of the plaintiff. They will have no right to enter such office premises unless they are invited by the plaintiff.
- iii. The defendants, its office bearers, men, agents, members and assigns shall not restrain the employees of the plaintiff company from meeting doctors in Kolkata as well as at other places in the State of West Bengal, in their respective chambers or elsewhere in course of their daily field work.

In this connection, we record the submission made on behalf of the defendants that there is no question of any such obstruction since all such persons are members of the defendant Union.

- iv. The defendants, its office bearers, men, agents, members and assigns shall not create any obstruction to or hindrance in the running of the business and working of the plaintiff company and its employees in Kolkata and at other places in the State of West Bengal.

This order shall be, however, without prejudice to the rights and contentions of the parties in the suit with a further clarification that the defendants will be entitled to agitate the grounds taken in their application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (in short 'CPC'), if available in law at the hearing of the suit.

The applications being GA 1 of 2025, GA 2 of 2025, GA 3 of 2025 and GA 4 of 2025 are, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)