

No. 31015/26/2018-Pricing
GOVERNMENT OF INDIA
MINISTRY OF CHEMICALS & FERTILIZERS
DEPARTMENT OF PHARMACEUTICALS

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**A- Wing, Shastri Bhawan,
New Delhi 110 001**

Order

1. This is an order on three applications dated 11.04.2018, filed under paragraph 31 of the Drugs (Prices Control) Order, 2013 (hereinafter called the DPCO) by M/s J.B. Chemicals & Pharmaceuticals Limited (hereinafter called the applicant) against notification S.O. 1461(E), dated 02.04.2018 issued by the National Pharmaceutical Pricing Authority (hereinafter called the NPPA) revising the ceiling prices of Metronidazole Tablet 200mg and Metronidazole Tablet 400mg.; Ranitidine Syrup 75mg/5ml and Metronidazole 500mg/100ml.

2. The applicant has contended as under:-

2.1 NPPA has inaccurately notified the ceiling prices of Metronidazole Tablet 200mg and Metronidazole Tablet 400mg; Ranitidine Syrup 75mg/5ml and Metronidazole-500mg/100ml without waiting the outcome of the review applications filed by the company against NPPA's notifications SO 2193(E), dated 23.06.2016 for Metronidazole Tablet 200mg; SO 1816(E) for Metronidazole Tablet 400mg; SO 1561(E), dated 27.4.2016 for Ranitidine Syrup 75mg/5ml and SO 352(E), dated 23.1.2018 for Metronidazole 500mg/100ml.

3. Comments of NPPA:

3.1 NPPA submitted that SO 1461(E), dated 02.04.2018 was issued to give the effect of WPI applicable from 1.4.2018 only. The said notification is issued as a regular practice to give WPI impact to the ceiling prices of the scheduled formulations fixed by NPPA annually. The company has now filed review applications for the formulations for which orders are awaited against their earlier review applications.

4. Examination:

4.1 NPPA has notified SO 1461(E), dated 2.4.2018 only for giving Annual Wholesale Price Index @ 3.43812% increase effective from 1.4.2018 to all the scheduled formulations. The above notification is only meant for revision of ceiling prices of all the scheduled formulations to give annual WPI impact and not for fixation / re-fixation of ceiling prices in compliance of review orders against the review applications filed by the company or for any other reasons.

4.2 The review applications filed by the company for Metronidazole Tablet 200mg; Metronidazole Tablet 400mg; Ranitidine Syrup 75mg/5ml and Metronidazole 500mg/100ml. are under examination in the Deptt. of Pharmaceuticals and the final Review Orders are yet to be issued. The grievance of the company that NPPA should not have notified the revision of the formulation under consideration has no relevance

as SO 1461(E), dt.2.4.2018 is issued only to give WPI increase effective from 1.4.2018 to all the scheduled formulations. It has no impact on specific cases of review applications pending with the Department. Due consideration of all relevant aspects including WPI are factored in at the time of refixation of ceiling prices based on the outcome of review applications.

5. Decision:

“NPPA notified SO 1461(E), dt.2.4.2018 to give WPI increase effective from 1.4.2018 only to all the scheduled formulations and the grievances raised by the company have got no relevance now. It has no impact on specific cases of review applications pending with the Department. Due consideration of all relevant aspects including WPI are factored in at the time of refixation of ceiling prices based on the outcome of review applications. Prayer of the petitioner in the three review applications, dated 11.04.2018 stands rejected.”

Issued on this date, the 26th day of June, 2018.

(M.K. Bhardwaj)
Deputy Secretary
For and on behalf of the President of India

Copy to:-

1. M/s J.B. Chemicals & Pharmaceuticals Limited, Cnergy IT Park, Unit A2, 3rd Floor, Unit A, 8th Floor, Appa Saheb Marathe Marg, Prabhadevi, Mumbai-400 025.
2. The Member Secretary, National Pharmaceutical Pricing Authority, YMCA Cultural Centre Building, New Delhi-110001
3. PS to Hon'ble Minister (C&F), Shastri Bhawan, New Delhi for information.
4. PS to MoS(C&F), Shastri Bhawan, New Delhi for information.
5. PSO to Secretary (Pharma), Shastri Bhawan, New Delhi for information.
6. T.D., NIC for uploading the order on Department's Website