

SC stays HC order restraining firm from manufacturing anti-diabetes drugs

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New Delhi: The Supreme Court on Wednesday stayed a Delhi high court order restraining Indian pharma company Glenmark Pharmaceuticals from manufacturing and selling its anti-diabetes drugs Zita and Zita-Met for allegedly infringing the patent rights of US drug major Merck Sharp and Dohme (MSD). Agreeing to hear the appeal filed by the Indian company, a bench headed by Ranjan Gogoi issued notice to MSD while staying the HC's interim order. It listed hearing in the case for April 28.

Senior advocates Abhishek Manu Singhvi and Prathiba Maninder Singh, appearing for Glenmark, contended that lakhs of patients are taking Zita and Zita-Met drugs on a daily basis and they will suffer due to its non-availability due to the HC order.

US-based Merck's subsidiary in India dragged Glenmark to court, seeking a stop on the sale of a more affordable version of its diabetes drug. The MNC had sought an injunction against Glenmark marketing the generic version of its diabetes drug.

Glenmark priced its diabetes drug last year around 30% cheaper than Merck's Januvia, enabling patients to save up to Rs 5000 a year.

"It is submitted that the impugned judgment suffers from blatant errors and is contrary to legal provisions along with well-settled principles of law as per which no interim injunction is granted in favour of a party if there is an alternative efficacious remedy available," Glenmark said in its petition.

"The HC has incorrectly held that the respondents cannot be adequately compensated by way of monetary damages as irreparable harm shall be caused to them and that the petitioner will not suffer irreparable harm even if an injunction order is passed against it despite the fact that the products have been continuously and uninterruptedly sold in the Indian market since 2013," the petition said.

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