

No.31015/08/2019-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 disposing of a review application dated 09.04.2019, filed by M/s Geltec Private Limited (hereinafter called the applicant) under paragraph 31 of the Drugs (Prices Control) Order, 2013 (hereinafter called the DPCO) against notification S.O. No.1485(E), dated 29.03.2019 issued by the National Pharmaceutical Pricing Authority (hereinafter called the NPPA) revising the ceiling price of Ibuprofen Capsule 400mg.

2. The main contentions of the applicant are that –

- (i) The National Pharmaceutical Pricing Authority (NPPA) issued S.O. No.1485(E), dated 29.03.2019 fixing the ceiling price of Ibuprofen 400mg capsules under the provisions of Para 4, 6 and 16 of the DPCO.
- (ii) The NPPA wrongly directed the applicant vide its letter No.19(1601)/2018/DIV II/NPPA, dated 4.1.2019 to follow the ceiling price of Ibuprofen 400mg capsules as notified vide SO 1687(E), dated 24.5.2017.
- (iii) As per calculation of ceiling price of Ibuprofen Capsules, the NPPA considered formulations which are not available in the domestic Indian market, namely, Fenlong 400mg Capsules and Brufen Softra 400mg Capsules.
- (iv) The NPPA should fix the ceiling price for Ibuprofen 400mg Soft Gelatin Capsules as per the provisions of para 4 and 15 of the DPCO only after considering the formulations available in the market.

3. Comments of the NPPA:

The ceiling price fixed by the NPPA vide S.O. 1485(E), dated 29.03.2019 is based on WPI implementation under para 16 of the DPCO. Therefore, the issue raised by the applicant has to be examined in this context.

4. Examination:

As per para 31 of the DPCO, any person aggrieved by any notification issued or order made under paragraph 4, 5 and 6 of the DPCO, may apply to the Government for a review of the notification or order. In the instant case, the review application has been filed against the NPPA's price notification issued under para 16

of the DPCO, revising the ceiling prices of scheduled formulations as per the annual wholesale price index (WPI) for preceding calendar year on or before 1<sup>st</sup> April of every year and notify the same on the 1<sup>st</sup> April every year. Therefore, the review application against the said notification is not sustainable and deserves to be rejected.

5. Decision:

The present review application is not sustainable and hence stands rejected.

Issued on this, the 10<sup>th</sup> day of January, 2020.

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

Copy to :-

1. M/s Geltec Private Limited, Capsulation Premises, Deonar, Sion Trombay Road, Mumbai-400 088.
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. Joint Secretary(Pharma), Shastri Bhawan, New Delhi for information.
7. T.D., NIC for uploading the order on Department's Website.