

No. 31015/18/2011-PI.I
Government of India
Ministry of Chemicals & Fertilizers
Department of Pharmaceuticals

Janpath Bhawan, New Delhi

ORDER

Subject: Review application of M/s. Tristar Formulations. Pvt. Limited against the price fixation order S.O. No. 440(E) dated 23.03.2007 fixing price of formulation of Asprin + Atovastatin Caps. under Drugs (Prices Control) Order, 1995 (DPCO, 1995) pursuant to the Order dated 08/11/2011 passed by Madras High Court in WP No.1647 of 2008..

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Whereas Government of India vide price fixation order No. S.O.440(E) dated 23.03.2007 fixed prices in respect of formulation of Asprin + Atovastatin Capsules.

2. And whereas M/s. Tristar Formulations Pvt. Limited (hereinafter referred to as the petitioners) had represented to the reviewing authority vide their application dated 16.12.2011 against the said price fixation order pursuant to Hon'ble Madras High Court order dated 8.11.2011 in Writ Appeal No.260 of 2009 and M.P. Nos.1 and 2 of 2009 arising out of W.P. No. 16470 of 2008. Personal hearing was granted to the Petitioners by the Department of Pharmaceuticals on 18.4.2012. The Petitioners were represented by S/Shri T. Asaithambi, Executive Director, S.H. Merchant, Advocate and Fayazul Islam, Consultant. On behalf of NPPA S/Shri Manish Goswami, Dy. Director(Cost), and Suneel Chopra, Consultant attended the hearing. Shri V.K. Tyagi, Deputy Industrial Adviser, Department of Pharmaceuticals was also present during the hearing as a Pharma technical expert.

3. The issues involved in the review application have been examined based on the record note of discussions of the personal hearing and other available records and it has been observed and decided by the Government as under:

“From the composition of the Ecosprin AV 75 it is quite evident that the formulation is covered within the purview of price fixation under DPCO, 1995. The SO No. 440(E) dated 23.3.2007 clearly provided sufficient opportunity to the petitioners to approach NPPA for any special feature, to be priced separately. The petitioners have not approached NPPA and did not submit any information to claim any special pricing .

The review application is, therefore, not maintainable and accordingly rejected.”

Issued on this date 17th July, 2013.

(Roshan Lal)
Under Secretary to the Government of India
For and on behalf of the President of India

To

To

1. M/s. Tristar Formulations. Pvt. Limited
Plot No. A, 116, 27th Cross,
PIPDIC Industrial Estate,
Mettupalayam, Puducherry, 605009.
2. The Member Secretary,
National Pharmaceutical Pricing Authority,
YMCA Cultural Centre Building, New Delhi-110001

Copy to :

1. PS to Hon'ble Minister of State (Independent Charge) in the Ministry of Chemicals and Fertilizers, Shastri Bhawan, New Delhi for information.
2. Sr. PPS to Secretary (Pharma), Shastri Bhawan, New Delhi for information.

