Pfizer Inc. & Ors. vs. Union of India & Ors. WP 12224 of 2018

News & Updates • June 18, 2019

The petitioners have filed the present petition, inter alia, praying for prohibition/ban of the import, manufacture, sale, distribution and export of spurious drugs manufactured by Respondent No. 3 (Lucius Pharmaceuticals) including Lucicriz, Lucisun, Luciax and Lucipalb. The Petitioners are manufacturers of certain drugs used for the treatment of cancer. The Petitioners allege that spurious drugs manufactured by Respondent No. 3 are being marketed and sold in India, without the requisite licenses issued by the Drugs Controller. Respondent No. 3 is a fictitious company with an untraceable address in Sri Lanka and is manufacturing and selling infringing life-saving drugs in India. Respondent No. 3's products are spurious, misbranded and unlicensed and claim to treat serious medical conditions like cancer. In Pfizer's writ petition against the Government and the entity Lucius Pharmaceuticals, the Hon'ble High Court of Delhi has observed the following:

1. The Government and the Drugs Controller's office (Respondent No. 1 and 2) confirmed that Lucius's drugs (Lucicriz – Crizotinib, Lucisun - Sunitinib, Luciax - Axitinib and Lucipalb - Palbociclib) are spurious and no permission for sale of the said drugs has been granted by the Central Drugs Standards Control Organization (CDSCO);
2. The Government stated that the action for preventing spurious drugs is required to be taken by the concerned State Governments and if the Petitioners provide the information as to where such drugs are being sold, CDSCO shall coordinate with the State Governments to take appropriate action;
3. The Court held that the import and sale of Respondent No. 3's drugs are illegal;
4. The Court has asked the Petitioners to provide the necessary information regarding the spurious drugs to Respondent No. 1 and 2 and to file complaints before the State authorities in this regard.

The Hon'ble Court further directed Respondent No. 1 to take necessary legal action in coordination with the respective State Governments. The Court has also passed directions to the effect that if any complaints are made regarding the drugs in question, the concerned State authorities shall take appropriate steps in accordance with the law to prevent the sale of the spurious drugs and further to prosecute the offenders to the fullest extent of the law as expeditiously as possible. The Hon'ble Delhi High Court noted that these drugs (manufactured and sold by M/s Lucius Pharmaceuticals) are spurious and their import and sale in India is illegal. Team Anand and Anand: Pravin Anand, Tusha Malhotra and Rashi Punia.

RELATED PRACTICES

PATENTS