

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-3393 of 2019.

Date	Order with signature of Judge
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PRIORITY

1. For orders on CMA No.15242/2019.
2. For hearing of CMA No.15243/2019.
3. For hearing of main case.

Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Yousuf Ali Sayeed.

M/s. ICI Pakistan Limited.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

03.09.2020.

Mr. Abdul Sattar Pirzada, advocate for the petitioner.
Mr. Shahryar Mehar, AAG.
Mr. Khilji Bilal Aziz, Assistant Attorney General alongwith
Syed Hakim Masood, FID, DRAP, Karachi.

Muhammad Ali Mazhar, J: Learned counsel for the petitioner has
pointed out an order dated 13.06.2019, which is reproduced as under:-

“13.06.2019.

Qazi Umair Ali advocate for the petitioner.
Khilji Bilal Aziz, Assistant Attorney General.

***Syed Hakim Masood, Federal Inspector of Drugs, Drug
Regulatory Authority of Pakistan (DRAP) has shown
appearance and claims copy of the instant petition. Learned
counsel for the Petitioner has placed on record a copy of
letter dated 03.06.2019 wherein the DRAP has issued
instructions to all the Drug Inspectors to release the stocks
which were manufactured prior to issuance of SRO
1610(I)/2018 dated 31.12.2018 read with SRO 34(I)/2019
dated 10.1.2019. It has been stated by the officer of DRAP***

present in Court that this petition can be disposed of in view of the aforesaid letter. Learned counsel for the Petitioner requests for a short date to seek instructions in this regard.

Adjourned to 21.6.2019.

***Sd/-
JUDGE***

***Sd/-
JUDGE”***

On 12.08.2020, Syed Hakim Masood, FID, DRAP, Karachi in presence of learned DAG requested for time to submit reply. He was also directed to apprise the court with regard to a letter dated 03.06.2019 issued by the Assistant Director (Costing & Pricing), DRAP, Islamabad in which it was clearly mentioned that the SRO 1610(I)/2018 dated 31.12.2018 shall be applicable prospectively.

Today, again the matter is fixed for the same purpose and Syed Hakim Masood, FID, DRAP, Karachi submits that this petition may be disposed of in terms of the letter dated 03.06.2019, which is reproduced as under:-

“No.F,9-5/2014-DDC (P)-Vol-III-C

***Government of Pakistan
Ministry of National Health Services, Regulations & Coordination
Drug Regulatory Authority of Pakistan.***

Islamabad, the 3rd June, 2019

Subject:- UNAUTHORIZED INCREASE IN DRUG PRICE

The undersigned is directed to refer subject mentioned above.

2. It is hereby clarified that MRPs notified vide SRO 1610(I)/2018 dated 31.12.2018 read with SRO 34(I)/2019 dated 10.1.2019 shall be applicable prospectively i.e. on stock of drugs manufactured from the dates of said SROs.

3. *Therefore, orders passed under section 18(I) for “Not to dispose of stocks” and “seized stock” may be revoked or modified, as the case may be, under section 19(5) of the Drugs Act, 1976 for stocks manufactured prior to the issuance of above said SROs.*

*Sd/-
Muhammad Asad Ishaq
Assistant Director (Costing & Pricing)
DRAP, Islamabad.*

*Copy to:-
1. -----
2. -----*

*Copy for information to:-
1. -----
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*Sd/-
Assistant Director (Costing & Pricing)”*

Learned counsel for the petitioner is satisfied and requests for disposal of this petition in the above terms. The petition is disposed of accordingly alongwith pending applications.

JUDGE

JUDGE

MUBASHIR