

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-4498 of 2019

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Martin Dow Marker (Pvt.) LimitedPetitioner

Versus

Federation of Pakistan & others.....Respondents

Date of hearing 18.09.2019

M/s. Khalid Javed Khan & Umaimah A. Khan advocates for the petitioner.

Mr. Ishrat Alvi, DAG.

Mr. Amanullah, Director (Pricing), DRAP, Islamabad.

Muhammad Ali Mazhar, J: On 23.07.2019 this court directed the DPC to re-decide the controversy jot down in the order and determine the price with fresh findings with regard to MRP in terms of Drug Pricing Policy, 2018. Today, Mr. Amanullah, Director (Pricing), DRAP, Islamabad has submitted statement through DAG and he has also attached a letter dated 16.09.2019 signed by Secretary, DPC, Ministry of National Health Services, Regulations and Coordination, Drug Regulatory Authority of Pakistan to show compliance. This letter reflects that after hearing representative of the petitioner in the meeting of DPC held on 22.08.2019 MRPs have been determined by DPC, some cases were withdrawn by petitioner and four cases were rejected on the ground that

MRPs have already been determined under the Drug Pricing Policy, 2018 and cannot be considered before three years.

2. Learned counsel for the petitioner argued that as far as four cases rejected they may avail appropriate remedy in accordance with law but for the MRPs determined by the DPC, they may be allowed to sell their products in accordance with the determination by the DPC.

3. Mr. Amanullah, Director (Pricing), DRAP, Islamabad submits that the recommendations of Drug Pricing Committee have been forwarded to Ministry of Health for onward submission to the Federal Cabinet, therefore, he is of the view that unless prices are approved by the Federal Cabinet, the petitioner may not be allowed to sell even on the determined prices. Learned counsel for the petitioner argued that though approval is required but in case of delay, the petitioner will suffer as they agree to sell their product on the price determined by the DPC so they request that some directions may be issued to the Federal Cabinet for approval. Learned DAG suggests that some time may be allowed to Ministry of Health and the Secretary, Cabinet to place minutes of the DPC for approval so that the matter may be expedited.

4. As a result of above discussion, the Secretary, Ministry of National Health Services, Regulations and Coordination as well as Secretary, Federal Cabinet both are directed to expedite the process and submit the minutes of the DPC before the Federal Cabinet for their consideration and

approval in the next Cabinet meeting. The petition is disposed of accordingly alongwith pending application.

Copy of this order may be transmitted to the learned DAG for compliance by the concerned quarters.

JUDGE

JUDGE

Aadil Arab