

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
Suit Nos.1818, 1819 & 2589 of 2017

Date Order with signature of Judge

Suit No.1818/2017

For hearing of CMA No.11008/2017

Suit No.1819/2017

For hearing on CMA No.11011/2017

Suit No.2589/2017

For hearing of CMA No.17385/2017

14-02-2018

Mr.Umair A. Qazi, Advocate for the Plaintiff in Suit Nos.1818 & 1819 of 2017

Mr.Faisal Siddiqui, Advocate for the plaintiff in Suit No.2589/2017

Mr.Salman Talibuddin, Additional Attorney General.

Mr.Umer Zad Gul, D.A.G.

Mr.Abdul Qadir, Deputy Director, Costing and Pricing DRAP is also present.

Learned Additional Attorney General pointed out that on 30.1.2018 in Suit Nos.1818 and 1819 of 2017, Mr.Abdul Qadir Leghari, Assistant Attorney General filed a statement along with copy of Notification dated 19.1.2018 in which it is clearly notified that market retail prices of drugs may be increased as per para 8 of Drug Pricing Policy, 2015, namely, (a) 2.08% for scheduled drugs, (b) 2.91% for non-scheduled drugs; and (c) 4.16% for lower prices drugs. In paragraph (2) it was further stated that the maximum retail prices shall be subject to the conditions mentioned in clause (a) to (g), however, a condition was added in paragraph 3 of the same notification which is reproduced as under:-

“This notification shall not be applicable on all subjudice cases related to pricing issues including Notification No.11-2/2013-DDC(P) dated 29.11.2013 till final adjudication of such cases.”

Basically, the paragraph 3 of the notification is bone of contention in which condition was added that notification shall not be applicable to the subjudice cases. Learned counsel for the plaintiff in Suit No.2589/2017 submits that yesterday in C.P.No.D-1179/2018 the learned Division Bench of this court was dealing similar controversy relating to the same Notification SRO 41/(I)/2018 and while taking cognizance suspended the operation of paragraph 3 of the same notification. Learned counsel for the plaintiffs as well as learned Additional Attorney General and the officer present in court agreed that these suits may be disposed of subject to final adjudication of C.P.No.D-1179/2018 relating to the outcome of paragraph 3 of the aforesaid notification. Order accordingly. The aforesaid suits are disposed of along with pending applications.

The plaintiffs' counsel submit that they may be allowed to file application under Order 1 Rule 10 CPC for becoming party in the above mentioned petition or file their separate petition. They are at liberty to act in accordance with law for which no permission of this court is required in these suits.

Judge

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