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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ CS(COMM) 295/2022 & I.A. 7049/2022, 12283/2022

NATCO PHARMA LTD. Plaintiff

Through: Mr. J. Sai Deepak, Mr. Guruswamy Nataraj, Mr. Avinash Sharma, Mr. Ankur Vyas and Mr. Shashikant Yadav, Advocates.

versus

FMC AGRO SINGAPORE PTE LTD & ORS. Defendants

Through: Mr. Dushyant Dave, Mr. Neeraj Kishan Kaul and Mr. Sandeep Sethi, Senior Advocates with Dr. Sanjay Kumar, Ms. Arpita Sawhney, Mr. Arun Kumar Jana, Ms. Meenal Khurana, Mr. Harshit Dixit and Mr. Priyansh Sharma, Advocates.

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+ CS(COMM) 348/2022 & I.A. 8126/2022, 8128/2022, 9518/2022

FMC CORPORATION & ORS. Plaintiffs

Through: Mr. Sandeep Sethi, Senior Advocate with Dr. Sanjay Kumar, Ms. Arpita Sawhney, Mr. Arun Kumar Jana, Ms. Meenal Khurana, Mr. Harshit Dixit and Mr. Priyansh Sharma, Advocates.

versus

INSECTICIDES INDIA LIMITED Defendant

Through: Mr. Guruswamy Nataraj, Mr. Avinash Sharma, Mr. Ankur Vyas and Mr. Shashikant Yadav, Advocates.

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+ CS(COMM) 349/2022 & I.A. 8130/2022, 8132/2022, 9519/2022

FMC CORPORATION & ORS. Plaintiffs

Through: Mr. Dushyant Dave, Mr. Neeraj



Kishan Kaul and Mr. Sandeep Sethi, Senior Advocates with Dr. Sanjay Kumar, Ms. Arpita Sawhney, Mr. Arun Kumar Jana, Ms. Meenal Khurana, Mr. Harshit Dixit and Mr. Priyansh Sharma, Advocates.

versus

NATCO PHARMA LIMITED

..... Defendant

Through: Mr. J. Sai Deepak, Mr. Guruswamy Nataraj, Mr. Avinash Sharma, Mr. Ankur Vyas and Mr. Shashikant Yadav, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.08.2022

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1. Learned counsel appearing on behalf of NATCO PHARMA LTD. (hereinafter referred to as the 'NATCO') and learned Senior Counsels appearing on behalf of FMC AGRO SINGAPORE PTE LTD. and FMC Corporation (hereinafter referred to as the 'FMC') point out that one of the Scientific Advisers, Dr. Raghavan Soman, appointed by this Court *vide* order dated 29.07.2022, has *vide* e-mail dated 06.08.2022, informed the learned counsels for the parties, that on account of various other urgent engagements he will not be able to accept this responsibility. Copy of the said e-mail has been handed over in Court and is taken on record. Dr. Gopa Kumar Nair on the other hand has, *vide* e-mail dated 03.08.2022, sought some more time to render his report.

2. In view of the aforesaid and with the consent of the parties Prof. Bhalchandra Mahadeo Bhanage is appointed as a Scientific Adviser in place of Dr. Raghavan Soman. The terms of reference as well as his terms of



appointment will remain the same as incorporated in order dated 29.07.2022. Details pertaining to the name, address, phone number and e-mail address are as under:-

Prof. Bhalchandra Mahadeo Bhanage
1802, Institute of Chemical Technology Campus,
N. Parekh Road, Matunga,
Mumbai – 400019.
Phone No. 022-33611020
E-mail – bm.bhanage@ictmumbai.edu.in

3. Copy of the order passed today as well as the order dated 29.07.2022 shall be sent to Prof. Bhalchandra Mahadeo Bhanage, forthwith by the Registry.
4. In view of the urgency in the matter, as expressed by learned counsel for NATCO, Mr. J. Sai Deepak undertakes to deposit another set of documents in a sealed cover for the purpose of examination by Prof. Bhalchandra Mahadeo Bhanage, during the course of the day.
5. Let both parties deposit their respective documents in a sealed covers during the course of the day. As soon as the sealed covers are received by the Registry the same shall be dispatched to Prof. Bhalchandra Mahadeo Bhanage, without any delay.
6. Report shall be rendered by Dr. Gopa Kumar Nair within 10 days from today and by Prof. Bhalchandra Mahadeo Bhanage within 10 days from the date of receipt of the sealed covers.
7. List on 22.08.2022 for hearing as Item No. 1.
8. Since the matter is being fixed for hearing on 22.08.2022, NATCO is restrained from launching the product in question, till the next date of hearing.



CCP(O) 54/2022 in CS(COMM) 295/2022

9. Mr. Dushyant Dave, learned Senior Counsel, on instructions, very fairly and candidly submits that the Petitioners do not wish to press the contempt petition.

10. In view of the above, contempt petition is disposed of.

JYOTI SINGH, J

AUGUST 08, 2022/rk