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

+ **CS(COMM) 376/2024 & I.A. 10533/2024, I.A. 7111/2025**

**E. R. SQUIBB AND SONS, LLC & ORS. ....Plaintiffs**

Through: Mr. Amit Sibal, Sr. Advocate with  
Mr. Sandeep Sethi, Sr. Advocate and  
Mr. Pravin Anand, Ms. Prachi  
Agarwal, Ms. Elisha Sinha,  
Advocates  
Mob: 9899150774

versus

**ZYDUS LIFESCIENCES LIMITED .....Defendant**

Through: Mr. Dushyant Dave, Sr. Advocate and  
Mr. Dayan Krishnan, Sr. Advocate  
with Ms. Bitika Sharma, Ms. Vrinda  
Pathak, Ms. Sandhya Kukreti, Mr.  
Rajnish Kumar, Ms. S.L. Soujanya,  
and Mr. Parth Singh, Advocates  
Mob: 9870446376

**CORAM:  
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**  
**19.03.2025**

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**I.A. 7111/2025 (under Order XXXIX Rule 2A)**

1. The present application has been filed under Order XXXIX Rule 2A, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiffs.
2. Learned Senior Counsel appearing for the plaintiffs draws the attention of this Court to the order dated 8<sup>th</sup> May, 2024, passed by this Court, wherein, it had been stated as follows:



“xxx xxx xxx

*13. In the meantime, till the next date of hearing, defendant shall not place its products in the market without the prior permission of the Court.*

xxx xxx xxx”

3. Learned Senior Counsel appearing for the plaintiffs submits that the defendant ought to follow the aforesaid order passed by this Court, and no product can be launched in violation of what has already been recorded by this Court.

4. Per contra, learned Senior Counsel appearing for the defendant, on instructions, submits that a letter dated 18<sup>th</sup> March, 2025 has already been issued on behalf of the defendant, wherein, it has been stated as follows:

“xxx xxx xxx

*The application for injunction is being heard before the Hon’ble Delhi High Court as of today, and we will seek appropriate permission accordingly. Our participation in the proposed tender would therefore be subject to the above, which may kindly be noted.*

xxx xxx xxx”

5. Learned Senior Counsel appearing for the defendant submits that the defendant shall comply with the directions, as contained in the order dated 8<sup>th</sup> May, 2024, in letter and spirit.

6. The aforesaid statement made on behalf of defendant is noted, and the defendant is held bound by the same.

7. Accordingly, it is clarified that since the application being I.A. 10533/2024, under Order XXXIX Rules 1 and 2, is pending adjudication before this Court, the defendant shall not place its products in the market, during the pendency of the said application, in terms of the order dated 8<sup>th</sup> May, 2024.

8. This Court further clarifies that the defendant has not taken any



permission from this Court with regard to participation in any bid process. Thus, in case, the defendant participates in any bid despite the orders passed by this Court, the same shall be at the risk and cost of the defendant itself, as this Court has already made it clear that no products shall be launched in the market by the defendant.

9. It is further clarified that merely because the defendant intends to take part in any bid, the same shall not be taken into account for the purposes of considering the issue of any balance of convenience in favour of the defendant.

10. With the aforesaid directions, the present application is disposed of.

**I.A. 10533/2024**

11. For rejoinder arguments on behalf of the plaintiffs, re-notify on 24<sup>th</sup> March, 2025 at 3:30 PM.

12. Interim order to continue.

**MINI PUSHKARNA, J**

**MARCH 19, 2025**

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