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

+ CS(COMM) 241/2023 & I.As. 7808-7814/2023

VIFOR (INTERNATIONAL) LTD & ANR. Plaintiffs
Through: Mr. Pravin Anand, Ms. Vaishali
Mittal, Mr. Rohin Koolwal and Mr. Hersh
Desaid, Advs.

versus

J.B. CHEMICALS AND PHARMACEUTICALS LIMITED

..... Defendant

Through: Mr. Amit Sibal, Sr. Adv. with
Mr. G. Nataraj, Mr. Shashikant Yadav, Mr.
Rahul Bhujbal and Ms. Harshita Agarwal,
Advs.

+ CS(COMM) 242/2023 & I.As. 7816-7822/2023

VIFOR (INTERNATIONAL) AG & ANR. Plaintiffs
Through: Mr. Pravin Anand, Ms. Vaishali
Mittal, Mr. Rohin Koolwal and Mr. Hersh
Desaid, Advs.

versus

CIPLA LIMITED Defendant

Through: Mr. Chander M Lall, Sr. Adv.
with Mr. Adarsh Ramanujan, Mr. S.
Majumdar, Ms. Sukrita Majumdar, Mr.
Samik Mukherjee, Mr. Afzal B Khan and
Mr. Vishal Nagpal, Advs.

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

25.04.2023

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1. My attention has been invited to the fact that CS (Comm) 505/2022 (*Vifor(International) Ltd. v. Eris Life Sciences*), which involves the patent forming subject matter of this suit, is being heard by a coordinate Bench of Hon'ble Mr. Justice Amit Bansal and that,

keeping in mind the fact that the said suit has been filed earlier in point of time, I had transferred CS (Comm) 198/2023 (*Vifor (International) Ltd. v. Biokindle Lifesciences Pvt. Ltd.*) to the Bench of Hon'ble Mr. Justice Amit Bansal *vide* order dated 10th April 2023.

2. It is pointed out that Defendant 2 in CS (Comm) 505/2022 is M/s BDR Pharmaceuticals International Pvt. Ltd, who is the manufacturer in CS (Comm) 198/2023 and CS(Comm) 505/2022 as well as the manufacturer of the product in this suit.

3. Learned Counsel for the plaintiff prays that this matter may be heard by this Bench today as he apprehends that the infringing product could be launched in the market.

4. It would not be appropriate for this Bench, already having transferred another matter in which M/s BDR Pharmaceuticals International Pvt. Ltd. was the manufacturer of the product to another Bench, to take up this matter for hearing.

5. Mr. Lall, learned Senior Counsel for the defendant in CS (Comm) 242/2023 submits that there is no injunction against M/s BDR Pharmaceuticals International Pvt. Ltd. in CS (Comm) 505/2022.

6. Mr. Nataraj, learned Counsel for the defendant in CS (Comm) 241/2023 submits that, in fact, the product already stands launched by his client.

7. In order to balance the equities, subject to orders of Hon'ble the Judge In-Charge (Original Side), let this matter be listed before CS(COMM) 241/2023 & CS(COMM) 242/2023

Hon'ble Mr. Justice Amit Bansal on 26th April 2023.

8. The *status quo*, regarding the launching of the product bearing the impugned patent, as it exists today, shall continue only till tomorrow i.e. 26th April 2023, when the matter is listed before the Bench of Hon'ble Mr. Justice Amit Bansal.

9. This order of *status quo* shall come to an end tomorrow. It would not automatically stand continued unless the Bench to which this matter is being transferred deems it appropriate to continue it.

10. It is made clear that the *status quo* is being granted for one day only because this Court has deemed it appropriate, to maintain uniformity, that similar matters are heard by the same Bench, and is not being passed even on a tentative appreciation of the merits of the matter.

11. It is clarified, once again, that unless the *status quo* is continued by the Bench to which the matter is being transferred, it shall come to an end tomorrow.

12. Let a copy of this order be given *dasti* to learned Counsel for the parties under the signature of the Court Master.

C. HARI SHANKAR, J.

APRIL 25, 2023

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