

(Published in Part II, Section 3, Sub-section (ii) of the Gazette of India, Extraordinary)

Government of India  
Ministry of Chemicals and Fertilizers  
Department of Pharmaceuticals  
National Pharmaceutical Pricing Authority

New Delhi, the 26th April, 2018

**ORDER**

**S.O.1770(E).**Whereas the National Pharmaceutical Pricing Authority(NPPA), Department of Pharmaceuticals, Ministry of Chemical and Fertilizers has fixed the ceiling price under paragraph 19 of the Drug (Prices Control) order 2013, of (i) Ferrous Salt (A) + Folic acid (B) – 100 mg(A) + 500mcg(B) Tablet and (ii) Ferrous Salt (A) + Folic acid (B) – 45 mg(A) + 400mcg(B) Tablet vide notification number SO 3091(E) dated 20.09.2017 based on the procurement prices of Government procurement agencies, in the absence of the relevant market based data in the Pharmatrac report of AIOCD-AWACS. The ceiling prices were revised on the basis of WPI vide SO 1461(E) dated 2.4.2018.

02. Whereas M/s Bochem Healthcare Pvt Ltd has prayed to the NPPA for upward revision of the ceiling prices of

(i) Ferrous Salt (A) + Folic acid (B) – 100 mg(A) + 500mcg(B) Tablet and

(ii) Ferrous Salt (A) + Folic acid (B) – 45 mg(A) + 400mcg(B) Tablet

stating that the price fixed by the NPPA are unviable. M/s Bochem Healthcare Pvt Ltd also claimed that the 98 percent of the supply is for NRHM.

03. Whereas the Authority noted that the the Hon'ble High Court of Madhya Pradesh at Jabalpur vide its order dated 19.03.2018 in WP 1550/2018 in the matter of M/s Bochem Healthcare Pvt Ltd. Vs Union of India has given direction : “let decision be taken reviewing the notification dated 20.09.2017 within two weeks on or before 9.4.2018”. The Hon'ble High Court has granted additional time for review at the request of the NPPA.

04. Whereas the petitioner company M/s Bochem Healthcare Pvt Ltd. has in its petition to the Hon'ble Court stated that the grievance does not relate to 45mg tablet as it is competitively placed.

05. Whereas it is also noticed that the ceiling price of lower strength is more than the ceiling prices of higher strength.

06. Whereas the NPPA in its 188th Authority meeting held on 23-4-2018, decided that ceiling price may be fixed/revised under para 19 of the DPCO 2013 considering the petition and grievances of M/s Bochem Healthcare Pvt Ltd, decided to withdraw the notification in respect of Ferrous Salt(A) + Folic acid (B) - (100mg + 500mcg) Tablet.

07. Now, in exercise of the powers conferred by paragraphs 19 of the Drugs (Prices Control) Order, 2013, read with S.O. 1394(E) dated the 30<sup>th</sup> May, 2013 and S.O. 701(E) dated 10<sup>th</sup> March, 2016 issued by the Government of India in the Ministry of Chemicals and Fertilizers, the National Pharmaceutical Pricing Authority (hereinafter referred as NPPA) hereby withdraw the ceiling price notification number SO 1461(E) dated 2nd April 2018 and SO 3091(E) dated 20.09.2017, with effect from the date of this notification, to the extent it belong to following formulation.

Sl No	Formulation
1	Ferrous Salt(A) + Folic acid (B) - (100mg + 500mcg) Tablet

All the other ceiling prices and notes shall continue to be operation unless specifically amended/revised.

PN/188/56/2018/F

F.No. 8(56)/2018/D.P./NPPA-Div.-II

(BALJIT SINGH)  
Assistant Director