



2026:KER:44187

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 19TH DAY OF JUNE 2026 / 29TH JYAISHTA, 1948

WP(C) NO. 39706 OF 2024

PETITIONER:

M/S. PHARMADUDE PHARMACY VANNAPPURAM
DOOR NO.13/1024, VANNAPPURAM,
IDUKKI DISTRICT, PIN - 685607
REPRESENTED BY ITS MANAGING PARTNER,
MR. LIJO M JOSE

BY ADVS.
SMT.KARTHIKA MARIA
SRI.ARUN THOMAS
SRI.ANIL SEBASTIAN PULICKEL
SMT.VEENA RAVEENDRAN
SHRI.KURIAN ANTONY MATHEW
SHRI.MATHEW NEVIN THOMAS
SHRI.JOE S. ADHIKARAM
SMT.LEAH RACHEL NINAN
SMT.NAVYA SEBY
SMT.SHYNI WILLIAM
SMT.ANJALY ELIAS
SHRI.SHINTO MATHEW ABRAHAM

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
T.C. 94/2750, PATTOOR VANCHIYOOR P.O.,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DRUGS CONTROLLER
OFFICE OF THE DRUGS CONTROLLER,
RED CROSS ROAD, VANCHIYOOR P.O.,
THIRUVANANTHAPURAM, PIN - 695035



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- 3 ASSISTANT DRUGS CONTROLLER
OFFICE OF ASSISTANT DRUGS CONTROLLER,
4TH FLOOR, OLD BLOCK, CIVIL STATION,
KAKKANAD, ERNAKULAM, PIN - 682030
- *4 UNNIKANNAN,
AGED 64, S/O.BALAKRISHNAN NAIR,
KARTHIKA MEDICALS, MELE MURI,
PALAKKAD,
RESIDING AT SREESIVOHAM,
EDATHARA , PALAKKAD - 678611.
- *5 VINOD,
AGED 52, S/O.K.RAMAKRISHNAN,
METRO MEDICALS, KALMANDAPAM,
PALAKKAD.
RESIDING AT SANKALPAM, SBI COLONY,
KUNNATHURMEDU, PALAKKAD - 678013
- *6 KRISHNADAS,
AGED 49, S/O.BALACHANDRAN NAIR,
VADAKKUMPAD MEDICALS, KERALASSERRY,
PALAKKAD,
RESIDING AT VADAKKUMPAD,
KERALASSERRY POST, PALAKKAD-678641.
- *7 P.DILEEPKUMAR,
AGED 45, S/O. K.VELAYUDHAN NAIR,
V.J.PHARMA, 11/463, HARIKARA STREET,
PALAKKAD - 678001,
RESIDING AT AKSHAYA,
ANIKODE POST, KARIYANKODE,
PALAKKAD - 678572

*(ADDL.R4 TO ADDL. R7 ARE IMPEADED AS PER ORDER DATED
15.01.2025 IN IA NO.1/2024 IN WPC NO.39706/2024)

BY SREEJITH V.S., SR. GOVT. PLEADER
SMT.LAYA MARY JOSEPH, GOVT. PLEADER
ADV SMT.P.USHAKUMARI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.06.2026, ALONG WITH WP(C)NOS.41978/2024 & 1447/2025, THE COURT
ON 19.06.2026 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 19TH DAY OF JUNE 2026 / 29TH JYAISHTA, 1948

WP(C) NO. 41978 OF 2024

PETITIONERS:

- 1 BIJU Y.S.
AGED 50 YEARS, S/O. A. YESUDANAM,
JESUS COTTAGE,
CHANI, KANJIRAMKULAM P.O.,
THIRUVANANTHAPURAM, PIN - 695524
- 2 RAJANEESH KUMAR S.S.
AGED 45 YEARS, S/O. K. SUPRABHAN,
AMMU BHAVAN,
OOTTARA, KAZHIVOOOR P.O.,
THIRUVANANTHAPURAM, PIN - 695526
- 3 RAHUL R.S.
AGED 28 YEARS, S/O. RAMESH KUMAR,
RESIDING AT TC 52/2010,
NALLANIKKAL VEEDU,
SIVAN COVIL ROAD, NEMOM,
THIRUVANANTHAPURAM, PIN - 695020
- 4 JIKKURAJ M.
AGED 36 YEARS, S/O. MANOHARAN S.,
ADUMANCADU THEKE PUTHEN VEEDU,
PARASUVAIKAL P.O., PARASSALA TALUK,
THIRUVANANTHAPURAM, PIN - 695502
- 5 ABHIJITH.B.S
AGED 44 YEARS, S/O. BAHULEYAN,
NELLIVILAKATHU VEEDU,
VENNIYOOOR, NELLIVILA P.O.,
THIRUVANANTHAPURAM, PIN - 695042

BY ADVS.



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SMT.M.A.VAHEEDA BABU
SRI.BABU KARUKAPADATH
SRI.P.K.ABDUL RAHIMAN
SMT.ARYA RAGHUNATH
SHRI.KARUKAPADATH WAZIM BABU
SMT.P.LAKSHMI
SMT.AYSHA E.M.
SHRI.ABUASIL A.K.
SHRI.MANU KRISHNA S.K.
SMT.HANIYA NAFIZA V.S.

RESPONDENTS :

- 1 THE DRUGS CONTROLLER
OFFICE OF THE DRUGS CONTROLLER,
RED CROSS ROAD, VANCHIYOOR P.O.
THIRUVANANTHAPURAM, PIN - 695035
- 2 THE ASSISTANT DRUGS CONTROLLER
OFFICE OF THE ASSISTANT DRUGS CONTROLLER
ATHANI JUNCTION, VANJIYOOR P.O.
THIRUVANATHAPURAM, PIN - 695035
- *3 UNNIKANNAN V.
AGED 64, S/O BALAKRISHNAN NAIR,
SECRETARY, ALL KERALA CHEMISTS AND DRUGGISTS
ASSOCIATION (AKCDA), PALAKKAD UNIT,
CHEMISTS BHAVAN, HARIKKARA STREET,
PALAKKAD - 678001
KARTHIKA MEDICALS, MELEMURI,
PALAKKAD
RESIDING AT SREESIVOHAM, EDATHARA,
PALAKKAD - 678611
- *4 VINOD
AGED 52, S/O K. RAMAKRISHNAN,
METRO MEDICALS, KALMANDAPAM,
PALAKKAD,
RESIDING AT SANKALPAM,
SBI COLONY, KUNNATHURMEDU,
PALAKKAD - 678013.
- *5 KRISHNADAS.
AGED 49, S/O BALACHANDRAN NAIR,
VADAKKUMPAD MEDICALS, KERALASSERRY,



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PALAKKAD,
RESIDING AT VADAKKUMPAD,
KERALASSERRY POST,
PALAKKAD-678641

*6 P.DILEEPKUMAR
AGED 45, S/O K. VELAYUDHAN NAIR,
PRESIDENT, ALL KERALA CHEMISTS AND DRUGGISTS
ASSOCIATION (AKCDA), PALAKKAD UNIT,
CHEMISTS BHAVAN, HARIKKARA STREET,
PALAKKAD - 678001,
V.J.PHARMA, 11/463, HARIKARA STREET,
PALAKKAD-678001,
RESIDING AT AKSHAYA, ANIKODE POST,
KARIYANKODE, PALAKKAD -678572

*7 JAYARAJ L.R
AGED 46, S/O LAKSHMANAN PILLAI,
GENERAL SECRETARY ALL KERALA CHEMISTS AND
DRUGGISTS ASSOCIATION (AKCDA), CHEMIST BHAVAN,
VIVEKANANDA ROAD,
OPPOSITE SOUTH RAILWAY STATION,
ERNAKULAM - 682016

*[ADDL. R3 TO R7 ARE IMPLEADED AS PER ORDER DATED
31/1/2025 IN IA NO.1/2025 IN WPC NO.41978/2024]

*8 V. RADHAKRISHNAN,
R.K MEDICALS & COMMUNITY PHARMACY,
PARIPPALLY P.O, KOLLAM,
RESIDING AT VALIYAVILA VEEDU,
PAMPURAM, KALLUVATHUKKAL P.O.,
KOLLAM-691578.

*9 AZAD A.,
AZAD MEDICALS, PARIPPALLY P.O,
KOLLAM,
RESIDING AT BANGLAVIL THEKKAT,
KIZHAKKENELA P.O., KOLLAM-691574

*10 HAREENDRANATH V.,
S.N MEDICALS, BALARAMAPURAM,
THIRUVAVANTHAPURAM
RESIDING AT VAISHAKH,
CHRATHALAVILAKAM, PARUTHICHAKONAM,
BALARAMAPURAM POST,
THIRUVANANTHAPURAM, PIN-695501.



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- *11 SUSHEELAN NAIR
GIRI MEDICALS, ANCHAL P.O,
KOLLAM,
RESIDING AT SREESABARI,
ALAYAMON, ANCHAL P.O,
KOLLAM, PIN-691306
- *12 PRASHANTH KUMAR B.
TOWN MEDICALS, PUTHOOR,
KOLLAM
RESIDING AT POORAM,
MARANADU,
KOLLAM DISTRICT, PIN-691505.
- *13 RICHARD FRANCIS
KADAVOOR MEDICALS, MATHILIL P.O,
KOLLAM
RESIDING AT KATTUVILA, MATHILIL P.O,
KOLLAM, PIN-691601.
- *14 A.NIZAM
ZIZA MEDICALS, CUTCHERY JUNCTION,
VADDY ROAD,
KOLLAM
RESIDING AT ZIZA, BEACH ROAD,
KOLLAM, PIN-691001.
- *15 M. ANSARKHAN
M/S SHIFA MEDICALS, MYLAPORG,
UMAYANALLOOR
RESIDING AT ORUMA NAGAR-66,
THATTUMALA P.O, KOLLAM, PIN-691020.
- *16 M.SASIDHARAN
J.J MEDICALS, CHATHANNOOR,
KOLLAM
RESIDING AT SASIVILLA,
EARAM, CHATHANNOOR P.O,
KOLLAM, PIN-691572
- *17 S.V. RAJKUMAR
ARCHANA MEDICALS, KADAKKAL P.O,
KOLLAM
RESIDING AT ARCHANA COTTAGE,
KADAKKAL P.O, KOLLAM, PIN-691536.
- *18 RAJESH R. ,
SABARI MEDICALS, KP VII/91,



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PALLIMUKKU, KOLLAM
RESIDING AT CHAITHRAM,
PALLIMUKKU, KADAKKAL,
KOLLAM, PIN-691536.

*19 E.SALIM
KHALAM MEDICALS, OONAMKALLU,
KADAKKAL, KOLLAM
RESIDING AT KALAM MANZIL,
OONAMKALLU, KUNNIL,
KOLLAM , PIN-691536.

*20 DILEEPKUMAR B.
LEKSHMI MEDICALS, MADATHARA,
KOLLAM
RESIDING AT SNEHAVEEDU,
MADAKATHARA P.O, CHITHARA,
KOLLAM, PIN-691541

*[ADDL R8 TO R20 ARE IMPEADED AS PER ORDER DATED
19.06.2025 IN IA NO.2/2025 IN WPC NO.41978/2024)

BY ADVS.
SRI.V.S.SREEJITH, SR. GOVERNMENT PLEADER
SMT.LAYA MARY JOSEPH, GOVT. PLEADER
SMT.P.USHAKUMARI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.06.2026, ALONG WITH WP(C)NO.39706/2024 AND 1447/2025, THE COURT
ON 19.06.2026 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 19TH DAY OF JUNE 2026 / 29TH JYAISHTA, 1948

WP(C) NO. 1447 OF 2025

PETITIONER:

P.L. JACOB
AGED 61 YEARS, S/O. LONAPPAN
PADINJAKKARA,
KUTIKADU P.O., CHALAKUDY
THRISSUR, PIN - 679591

BY ADVS.
SRI.ANIL KUMAR M.SIVARAMAN
SMT.LAKSHMISREE P.S.

RESPONDENTS:

- 1 THE DRUGS CONTROLLER
OFFICE OF THE DRUGS CONTROLLER,
RED CROSS ROAD, VANCHIYOOR P.O.,
TIRUVANANTHAPURAM, PIN - 695035
- 2 THE ASSISTANT DRUGS CONTROLLER
OFFICE OF THE ASSISTANT DRUGS CONTROLLER
UDAYANAGAR, CHEMBUKAVU
THRISSUR, PIN - 680005

BY SRI.V.S.SREEJITH, SR. GOVERNMENT PLEADER
SMT.LAYA MARY JOSEPH, GOVT. PLEADER
SMT.P.USHAKUMARI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.06.2026, ALONG WITH WP(C)NOS.39706/2024 AND 41978/2024, THE
COURT ON 19.06.2026 DELIVERED THE FOLLOWING:



BECHU KURIAN THOMAS, J.

**W.P.(C) Nos.39706 of 2024, 41978 of 2024
&
1447 of 2025**

Dated this the 19th day of June, 2026

JUDGMENT

The issue arising in these three writ petitions revolve around the validity of a Circular dated 04.09.2024 issued by the Office of the Drugs Controller. One of the writ petitions seeks implementation of the said circular, while the other two, seeks to quash it. Though these writ petitions claim contradictory reliefs, since the questions are interconnected, they are disposed of by this common judgment.

2. By the impugned Circular, the Drugs Controller issued a direction, stipulating that the applicants for drug licence must incorporate a statement in the affidavit submitted along with their respective applications, an undertaking that the licensee will not exhibit any discount boards in their shops and shall also replace the words 'misleading claims' with 'as discount board related to' in the affidavit. Petitioners in W.P.(C) No. 41978 of 2024 and W.P.(C) No.39706 of 2024 have challenged the circular, while the petitioner in W.P.(C)



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No.1447 of 2025 wants it to be implemented. Further reliefs, to declare the lack of any authority for the Drugs Controller to issue prohibitory orders preventing the medical shop owners from selling the drugs below the maximum retail price and also for a declaration that the drug dealers are entitled to display discount sale boards in front of their pharmacy outlets have also been sought.

3. Petitioners are dealers engaged in the business of sale of medicines and a drug licence is necessary for such sales. Petitioners allege that the Office of the Drugs Inspector informed them that, to obtain a new licence, they must, in the existing format of the affidavit to be submitted along with the application, incorporate certain additional words as has been notified in the Circular dated 04.09.2024. The terms of the impugned Circular stipulate that the applicants for licence must undertake that they shall not exhibit any display boards showing discounts being offered at the pharmacy and further, that the existing words in the affidavit, which stipulated that misleading claims about drugs will not be published, should be replaced by the words 'discount boards related to'.

4. Petitioners assert that they serve the public good at large, by offering medicines at reduced rates, forgoing a portion of their profit and selling them at a price lesser than the Maximum Retail Price (for short 'MRP'), shown in the packets. Petitioners allege that they are selling the drugs with due



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transparency regarding the discounts/rebates offered by them on each of the medicines, by publicly providing a booklet containing details of medicines and the percentage of discounts offered, which booklet is even kept in their pharmacies. Petitioners further stated that there is no prohibition under the Drugs and Cosmetics Act, 1940 (for short 'the Act') or the Drugs Rules, 1945 (for short 'the Rules') to sell any drug below the MRP or from disclosing such discounts offered by the dealers to the public in a transparent and open manner. Thus the petitioners in W.P.(C) No. 41978 of 2024 and W.P.(C) No.39706 of 2024, alleged that the Circular is contrary to the provisions and is without any authority or jurisdiction.

5. W.P.(C) No.1447 of 2025 is filed by a person aggrieved by the various advertisement boards erected in front of medical shops at Chalakkudy Municipal area, which according to him, is misleading the public and therefore insists on implementing the Circular.

6. In the counter affidavit, it is stated that the second respondent is the controlling authority and the person responsible for ensuring the proper implementation of the provisions of the Drugs and Cosmetics Act, 1940, Drugs and Magic Remedies (Objectionable Advertisements) Act 1954, and the Drugs Price, Control Order 2013. According to the said respondent, the department is striving to eliminate unhealthy practices in the pharmaceutical industry and reforms are being implemented in a phased manner with such



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an objective. The respondent has also averred in his affidavit that, no dealer or retailer can sell drugs at a price higher than the MRP but there is no regulation or statutory bar regarding the discounts that can be offered. The Drugs Controller asserted in the affidavit that the department is not against discounts being offered to the customers, which in fact make it affordable to the general public, but their concern is against the misleading advertisement boards about discounts being displayed. These false claims displayed on discount boards entice innocent customers, especially since the advertisements project discounts of even upto 80% being offered.

7. The first respondent has further averred in his counter affidavit that the source of few drugs offered in some of the shops are from outside the State with its quality itself in question. According to the said respondent, in a meeting convened on his behest, it was decided to have an Action Plan and that, as per paragraph 24(4) and 25(3) of the Drugs Price Control Order, 2013, every retailer or dealer is bound to display the price list as furnished by the manufacturer and not a board which merely announces the discount sale. It is asserted that the lack of transparency in the business with the public being misled by the offer of discounts and ending up paying the MRP itself had prompted the circular. The first respondent has also stated that the Circular is only a practical way of bringing in reforms and does not prevent the retailers from displaying details of drugs sold at discount rates and all that



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is restricted is exhibiting vague discount percentages. It is asserted in the counter affidavit that the department is only intending to avoid exploitation of the common man. In the counter affidavit dated 25.03.2026, it is stated that the Department has not taken any action so far, but has decided to rephrase the undertaking to be given by the licensees.

8. Sri. Babu Karukapadath, who led the arguments on behalf of the petitioners, submitted that the petitioners' right to do business is being infringed by the impugned Circular, as they are prevented from advertising the discounts offered by them. Referring to paragraph 26 and 24 of the Drugs Price Control Order, 2019, it was submitted that the Ceiling Price and MRP, which are defined in rule 2(d) and rule 2(r) of the Rules, only restricts sale of medicines above the maximum retail price. According to the learned counsel, insisting on the dealers/retailers not to display any discount boards is indirectly compelling the petitioners not to sell the medicines at a reduced price. The learned counsel further submitted that, only by the discount boards, which are displayed for the benefit of the public, would they become aware about the discounts offered and therefore no restriction can be imposed on such retailers to sell medicines at the price of their choice, as long as it is below the MRP. In support of his contentions, the learned counsel relied upon the decisions in **Ganapati Singhji v. State of Ajmir and Another** (AIR 1955 SC 188), **Kharak Singh v. State of UP and Others** (AIR



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1963 SC 1295) and **Self Financing Para Medical Managements Association, Thrissur and Others v. State of Kerala** (2014 (3) KLT 943).

9. Sri. Anil Kumar M. Sivaraman, the learned counsel for the petitioner in W.P.(C) No.1447/2025 on the other hand, submitted that the advertisements erected or affixed in front of various medical shops offering discounts/rebates at 50% to 60% of MRP are generally false information, intended to manipulate and mislead the customers. According to the learned counsel, induced by huge discounts displayed on the advertisement boards, a customer approaches the medical shop and invariably, a minor discount is offered or not at all, and unless these misleading advertisements are prohibited, the innocent customers will be seriously prejudiced. According to the learned counsel, the Circular dated 04.09.2024 ought to be implemented and those violating the same must be taken to task.

10. Sri. Sreejith V.S. and Smt. Laya Mary Joseph, the learned Government Pleaders submitted that the licensing authority under the Act has never prohibited or prevented any discounts being given to the customers, and on the other hand, the Circular only insists that the boards offering a large percentage of discounts ought not to be displayed or exhibited. It was submitted that as per Clause 24 of the Drugs Price Control Order, such a stipulation can be insisted upon. Reliance was placed on the decision in **Akshay N. Patel v. Reserve Bank of India and Another** [(2022) 3 SCC



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694], in support of the contentions. It was also submitted that the stipulation is applicable for fresh licensees as well, at the time of renewal of existing licenses.

11. While considering the rival contentions, it is necessary to comprehend the terms 'ceiling price' and 'maximum retail price' which are defined in clauses 2(d) and 2(r) of the Drugs Price Control Order 2013, and extracted below:

"(d) **"ceiling price"** means a price fixed by the Government for Scheduled formulations in accordance with the provisions of this Order;"

(r) **"maximum retail price"** means the ceiling price or the retail price plus local taxes and duties as applicable, at which the drug shall be sold to the ultimate consumer and where such price is mentioned on the pack;"

12. It is evident on a reading of the above provisions that as per rule 26 and rule 2(r) of the Rules, no person is entitled to sell a drug at a value in excess of the maximum retail price. However, there is no restriction on reducing the selling price. The contention of the petitioners that respondents are attempting to compel the petitioners to sell medicines, without providing any discount, is not legally tenable or factually correct, since nowhere has the respondents insisted that the petitioners should refuse discounts to customers. The action of the respondents is aimed only at preventing misleading display boards or advertisements relating to discounts.

13. The statutory authorities are bound to act within the four corners of



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the statute and no restriction can be imposed without a corresponding law. However, in the instant cases, the applicants for fresh licenses or for renewal of licenses are required to submit an affidavit, undertaking to comply with certain conditions regarding display of advertisement boards, intended to avoid misleading the public. When a power is conferred upon an authority, it has all the incidental powers thereto. The purpose for exhibiting boards containing statements regarding discounts is to enable the public to be informed of the existence of such discounts. However, as there is a possibility of misleading advertisements, causing prejudice to the innocent customers, the licensing authority found it appropriate to stipulate certain words to be incorporated in the affidavit to be submitted as a condition for the grant of licence. Since the licensing authority has all the powers to ensure that the licensee carries on the business without misleading the public, the insistence on the addition of certain words in the affidavit to be filed while applying for license or for renewal, cannot be said to be a restriction on their right to conduct business.

14. Courts have often held that the right, liberty and freedom conferred under the Constitution of India ought not to become a weapon at the hands of private businesses to indulge in any type of conduct, under the shield of those rights. The regulatory authority will have a 'play in the joints', to step in to regulate and prevent the myriad illegalities by issuing directions, in public



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interest. Unless the rights of the licensees are infringed severely, the regulatory directives issued by the controlling officer should not be interfered with by this Court. The ground realities, the need of the hour and various other factors will have to be borne in mind by such an authority. The nature of the business and the nature of the authority, issuing such regulatory directives, do have significance, while appreciating the validity of such directives. Unless such directives of the regulatory body are so pervasive, and has no apparent benefit for the public and on the contrary, curtails the right of the licensee to carry on a business, it is not proper for the Court under Article 226 of the Constitution of India to interfere, with such stipulations. The Drugs Controller has a significant role in the matter of drug licensing. Hence, his wisdom in requiring incorporation of a condition in the agreement/affidavit for the public benefit cannot be said to be a ground for interference by this Court.

15. In **Akshay N. Patel v. Reserve Bank of India and Another** [(2022) 3 SCC 694], the Supreme Court had noticed the special position the RBI holds in the financial sector and refused to interfere. The observations in the said decision are relevant in the present context as well.

16. In this context, it needs to be noted that the Department has rephrased the words of the undertaking to be submitted by the licensees and the present statement reads as follows:



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“We undertake that we shall not display any discount boards containing misleading or vague claims regarding the price of drugs”.

The above stipulation and undertaking cannot prejudice any right of the petitioners and on the other hand, is an obligation of the retailers and dealers of every drug.

17. Taking note of the above circumstances, this Court is of the view that the power of the licensing authority to stipulate certain conditions while submitting applications for the grant of a licence cannot be said to be arbitrary or warranting an interference by this Court.

18. As far as W.P.(C) No.1447 of 2025 is concerned, the said writ petition seeks for a direction to implement the Circular and as the Circular has not been interfered with, necessarily the respondents will be at liberty to initiate appropriate action, if the stipulation of the licensing authority as per the Circular or as suggested in the affidavit dated 25.03.2026 (as extracted in paragraph 16 above) is not complied with.

Hence W.P.(C) No. 39706 of 2024 and W.P.(C) No.41978 of 2024 are dismissed, while W.P.(C) No.1447 of 2025 is allowed as above.

**Sd/-
BECHU KURIAN THOMAS
JUDGE**

vps



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APPENDIX OF WP(C) NO. 39706 OF 2024

PETITIONER'S/S' EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE CIRCULAR NO.P.8207/2020/DC DATED 04.09.2024.
- Exhibit P2 THE TRUE COPY OF THE AFFIDAVIT DATED 25.09.2024.
- Exhibit P3 THE TRUE COPY OF THE LICENSE BEARING NO.RLF20KL2024004397 ISSUED ON 03.10.2024.
- Exhibit P4 THE TRUE COPY OF THE LICENSE BEARING NO.RLF21KL2024004399 ISSUED ON 03.10.2024.
- Exhibit P5 THE TRUE COPY OF THE REPRESENTATION DATED 04.10.2024.

RESPONDENT'S/S' EXHIBITS

- Exhibit R2(a) A TRUE COPY OF THE MINUTES OF THE MEETING DATED 02.02.2024.
- Exhibit R2(b) A TRUE COPY OF THE MINUTES OF THE MEETING DATED 14.05.2024.



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APPENDIX OF WP(C) NO. 41978 OF 2024

PETITIONER'S/S' EXHIBITS

- Exhibit P1** A TRUE COPY OF THE DRUG LICENSE DATED 01/11/2021 ISSUED TO THE 1ST PETITIONER IN FORM NO.20 UNDER RULE 61(1) OF THE DRUGS AND COSMETICS RULES
- Exhibit P1(a)** A TRUE COPY OF THE DRUG LICENSE DATED 01/11/2024 ISSUED TO THE 1ST PETITIONER IN FORM NO.21 UNDER RULE 61(2) OF THE DRUGS AND COSMETICS RULES
- Exhibit P2** A TRUE COPY OF THE LETTER DATED 22/02/2020 ISSUED BY THE ASSISTANT DRUGS CONTROLLER, THIRUVANANTHAPURAM TO THE 2ND PETITIONER, INFORMING THE RETENTION OF THE LICENSE ISSUED TO HIM IN FORM 20 AND 21 FOR A PERIOD UP TO 18/11/2025
- Exhibit P3** A TRUE COPY OF THE DRUG LICENSE DATED 16/11/2020 ISSUED TO THE 3RD PETITIONER IN FORM NO.20 UNDER RULE 61(1) OF THE DRUGS AND COSMETICS RULES
- Exhibit P3(a)** A TRUE COPY OF THE DRUG LICENSE DATED 16/11/2020 ISSUED TO THE 3RD PETITIONER IN FORM NO.21 UNDER RULE 61(2) OF THE DRUGS AND COSMETICS RULES
- Exhibit P4** A TRUE COPY OF THE LETTER DATED 28/01/2020 ISSUED BY THE ASSISTANT DRUGS CONTROLLER, THIRUVANANTHAPURAM TO THE 4TH PETITIONER, INFORMING THE RETENTION OF THE LICENSE ISSUED TO HIM IN FORM 20 AND 21 FOR A PERIOD UP TO 28/01/2025
- Exhibit P5** A TRUE COPY OF THE LETTER DATED 25/08/2020 ISSUED BY THE ASSISTANT DRUGS CONTROLLER, THIRUVANANTHAPURAM TO THE 5TH PETITIONER, INFORMING THE RETENTION OF THE LICENSE ISSUED TO HIM IN FORM 20 AND 21 FOR A PERIOD UP TO 26/08/2025
- Exhibit P6** A TRUE COPY OF THE APPLICATION PRESCRIBED FOR DRUG LICENSE IN FORM 19



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- Exhibit P7** A TRUE COPY OF THE AFFIDAVIT SO PRESCRIBED AND INSISTED ON BY THE LICENSING AUTHORITIES FOR THE PURPOSE OF SUBMITTING THE SAME ALONG WITH THE APPLICATION FOR DRUG LICENSE
- Exhibit P8** A TRUE COPY OF THE CORRECTED/DIFFERENT VERSION OF THE AFFIDAVIT NOW INSISTED ON BY THE RESPONDENTS, ALONG WITH THE APPLICATION, FOR ISSUING DRUG LICENSE
- Exhibit P9** A TRUE COPY OF THE RELEVANT PARTS OF THE DRUGS (PRICES CONTROL) ORDER, 2013 ISSUED UNDER THE ESSENTIAL COMMODITIES ACT, 1955
- Exhibit P10** A TRUE COPY OF THE PHOTOGRAPH OF NEETHI MEDICAL STORES AT ANJAL RUN BY KERALA CONSUMER FEDERATION OFFERING DISCOUNT/REBATES ON THE MEDICINE RANGING FROM 14% TO 70% IN
- Exhibit P11** A TRUE COPY OF THE PHOTOGRAPH OF KARUNYA COMMUNITY PHARMACY AT KOZHIKODE RUN BY KERALA MEDICAL SERVICES CORPORATION OFFERING DISCOUNT/ REBATES ON THE MEDICINE UP TO 93% IN
- Exhibit P12** A TRUE COPY OF THE PHOTOGRAPH OF MAVELI MEDICALS AT PAZHAVANGADI RUN BY CIVIL SUPPLIES CORPORATION (SUPPLYCO) CORPORATION OFFERING DISCOUNT/ REBATES ON THE MEDICINE RANGING FROM 13% TO 75% IN
- Exhibit P13** A TRUE COPY OF A LIST OF SOME OF SUCH LIFESAVING DRUGS FOR TERMINAL DISEASES WITH ITS DETAILS, MRP, THE PERCENTAGE OF DISCOUNT OFFERED BY THE 1ST PETITIONER AND THEIR SELLING PRICE
- Exhibit P14** A TRUE COPY OF THE VIDEO CLIP OF RELEVANT PORTION OF FUNCTIONING OF JANAUSHADI MEDICAL STORES AND THE OFFER OF REBATE UP TO 80% ON MEDICINES DOWNLOADED IN PEN DRIVE
- Exhibit P15** A TRUE COPY OF THE PHOTOGRAPH OF PRADHAN MANTHRI BHARATHIYA JANAUSHADI KENDRA AT AVANAKUZHI OFFERING DISCOUNT/ REBATES ON THE MEDICINE RANGING FROM 50% TO 90% IN



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- Exhibit P16 A TRUE COPY OF THE PHOTOGRAPH OF ASWAS COMMUNITY PHARMACY RUN BY 2ND PETITIONER OFFERING DISCOUNT/ REBATES ON THE MEDICINE RANGING FROM 15% TO 65% IN
- Exhibit P17 A TRUE COPY OF THE BOOKLET WITH DETAILS OF THE MEDICINES, ITS MAKE AND THE PERCENTAGE OF DISCOUNT OFFERED BY THE PETITIONERS IN THEIR SHOPS TO THE CUSTOMERS
- Exhibit P18 A TRUE COPY OF THE BILL ISSUED BY THE 1ST PETITIONER TO HIS CUSTOMER DATED 08/04/2023
- Exhibit P18(a) A TRUE COPY OF THE BILL ISSUED BY THE 2ND PETITIONER TO HIS CUSTOMER DATED 06/04/2023
- Exhibit P18(b) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER TO HIS CUSTOMER DATED 01/04/2023
- Exhibit P18(c) A TRUE COPY OF THE BILL ISSUED BY THE 4TH PETITIONER TO HIS CUSTOMER DATED 01/07/2023
- Exhibit P18(d) A TRUE COPY OF THE BILL ISSUED BY THE 5TH PETITIONER TO HIS CUSTOMER DATED 23/12/2023
- Exhibit P19 A TRUE COPY OF THE CIRCULAR DATED 04/09/2024 ISSUED BY THE 1ST RESPONDENT INTER ALIA DIRECTING THE DRUG INSPECTORS TO TAKE ACTION AGAINST THE MEDICAL SHOPS EXHIBITING THE DISCOUNT BOARDS
- Exhibit P20 A TRUE COPY OF THE PRICE LIST FURNISHED BY THE MANUFACTURERS IN FORM NO. V TO SCHEDULE II, AS CONTEMPLATED UNDER PARAGRAPH 24(4) AND 25(3) OF THE DRUGS (PRICE CONTROL) ORDER, 2013 AND MAINTAINED IN THE SHOPS OF THE PETITIONERS AND MADE ACCESSIBLE AND VERIFIABLE TO THE PUBLIC/PATIENTS/CUSTOMERS
- EXHIBIT P21 A TRUE COPY OF THE JUDGMENT DATED 20/05/2024 IN WP(C) NO. 14883/2024 OF THIS HON'BLE COURT
- EXHIBIT P22 TRUE COPY OF THE BILL DATED 04/04/2022 ISSUED BY THE 1ST PETITIONER TO HIS CUSTOMER



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- EXHIBIT P22 (a) TRUE COPY OF THE BILL DATED 03/05/2022 ISSUED BY THE 1ST PETITIONER TO HIS CUSTOMER
- EXHIBIT P22 (b) A TRUE COPY OF THE BILL ISSUED BY THE 2ND PETITIONER DATED 24/05/2022 TO HIS CUSTOMER
- EXHIBIT P22 (c) A TRUE COPY OF THE BILL ISSUED BY THE 2ND PETITIONER DATED 07/04/2022 TO HIS CUSTOMER
- EXHIBIT P22 (d) A TRUE COPY OF THE BILL ISSUED BY THE 2ND PETITIONER DATED 25/07/2022 TO HIS CUSTOMER
- EXHIBIT P22 (e) A TRUE COPY OF THE BILL ISSUED BY THE 2ND PETITIONER DATED 19/04/2022 TO HIS CUSTOMER
- EXHIBIT P22 (f) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 21/06/2022 TO HIS CUSTOMER
- EXHIBIT P22 (g) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 07/11/2022 TO HIS CUSTOMER
- EXHIBIT P22 (h) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 21/09/2022 TO HIS CUSTOMER
- EXHIBIT P22 (i) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 10/03/2023 TO HIS CUSTOMER
- EXHIBIT P22 (j) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 28/12/2022 TO HIS CUSTOMER
- EXHIBIT P22 (k) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 20/01/2023 TO HIS CUSTOMER
- EXHIBIT P22 (l) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 15/03/2023 TO HIS CUSTOMER
- EXHIBIT P22 (m) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 01/10/2022 TO HIS CUSTOMER
- EXHIBIT P22 (n) A TRUE COPY OF THE BILL ISSUED BY THE 3RD PETITIONER DATED 24/08/2022 TO HIS CUSTOMER
- EXHIBIT P22 (o) A TRUE COPY OF THE BILL ISSUED BY THE 4TH PETITIONER DATED 03/03/2023 TO HIS CUSTOMER
- EXHIBIT P22 (p) A TRUE COPY OF THE BILL ISSUED BY THE 4TH



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PETITIONER DATED 04/12/2022

- EXHIBIT P22 (q) A TRUE COPY OF THE BILL ISSUED BY THE 4TH PETITIONER DATED 25/04/2023 TO HIS CUSTOMER
- EXHIBIT P22 (r) A TRUE COPY OF THE BILL ISSUED BY THE 4TH PETITIONER DATED 18/11/2022 TO HIS CUSTOMER
- EXHIBIT P22 (s) A TRUE COPY OF THE BILL ISSUED BY THE 4TH PETITIONER DATED 03/04/2022 TO HIS CUSTOMER
- EXHIBIT P22 (t) A TRUE COPY OF THE BILL ISSUED BY THE 4TH PETITIONER DATED 05/03/2023 TO HIS CUSTOMER
- EXHIBIT P22 (u) A TRUE COPY OF THE BILL ISSUED BY THE 5TH PETITIONER DATED 26/04/2022 TO HIS CUSTOMER
- EXHIBIT P22 (v) A TRUE COPY OF THE BILL ISSUED BY THE 5TH PETITIONER DATED 08/11/2022 TO HIS CUSTOMER
- EXHIBIT P22 (w) A TRUE COPY OF THE BILL ISSUED BY THE 5TH PETITIONER DATED 02/02/2023 TO HIS CUSTOMER
- EXHIBIT P22 (x) A TRUE COPY OF THE BILL ISSUED BY THE 5TH PETITIONER DATED 21/05/2022 TO HIS CUSTOMER
- EXHIBIT P22 (y) A TRUE COPY OF THE BILL ISSUED BY THE 5TH PETITIONER DATED 02/05/2022 TO HIS CUSTOMER
- EXHIBIT P22 (z) A TRUE COPY OF THE BILL ISSUED BY THE 5TH PETITIONER DATED 08/07/2022 TO HIS CUSTOMER

RESPONDENT 'S/S' EXHIBITS

- Exhibit R1(a) A TRUE COPY OF THE MINUTES OF THE MEETING OF ASSISTANT DRUGS CONTROLLERS OF THE DRUGS CONTROL DEPARTMENT, DATED 02.02.2024
- Exhibit R1(b) A TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 14.05.2024
- Exhibit R1(c) A TRUE COPY OF THE NEWS REPORT DATED 15.08.2024
- Exhibit R1(d) A TRUE COPY OF THE MINUTES OF THE HEARING NOTE OF THE HEARING DATED 29.08.2024
- Exhibit R1(e) A TRUE COPY OF THE INTERIM ORDER DATED



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- 31.01.2025 IN WP(C) 41978/2024
- Exhibit R3(1) TRUE COPY OF THE COMMUNICATION DATED 18/03/2025 ISSUED BY THE SUN PHARMA TO THE CHANNEL PARTNERS OF SUN PHARMA DISTRIBUTION LTD.
- Exhibit R3(2) TRUE COPY OF THE COMMUNICATION DATED 17/07/2025 ISSUED BY THE TORRENT PHARMACEUTICALS
- Exhibit R3(3) TRUE COPY OF THE COMMUNICATION DATED 26/05/2025 ISSUED BY THE ZYDES PHARMACEUTICALS
- Exhibit R3(4) TRUE COPY OF THE COMMUNICATION DATED 22/05/2025 ISSUED BY THE DR. REDDY'S LABORATORIES LTD.
- Exhibit R3(5) TRUE COPY OF THE COMMUNICATION DATED 19/05/2025 ISSUED BY THE CIPLA LTD
- Exhibit R3(6) TRUE COPY OF THE RECALL/WITHDRAWAL NOTIFICATION DATED 26/05/2025 ISSUED BY THE GSK
- Exhibit R3(7) TRUE COPY OF THE NEWS ITEM APPEARED IN E-PAPER PUBLISHED BY THE ECONOMIC TIMES DATED 21/07/25
- Exhibit R3(8) TRUE COPY OF THE NEWS APPEARED IN THE TIMES OF INDIA ON 07/07/2025
- Exhibit R3(9) TRUE COPY OF THE NEWS ITEM APPEAR IN THE VARIOUS MEDIAS DOWNLOADED IN A PENDRIVE
- Exhibit R3(10) (a) TRUE COPY OF THE REPLY DATED 18/09/2025 SENT BY THE STATE PUBLIC INFORMATION OFFICER O/O ACDA, THIRUVANANTHAPURAM TO THE 3RD RESPONDENT
- Exhibit R3(10) (b) TRUE COPY OF THE REPLY DATED 22/09/2025 SENT BY THE STATE PUBLIC INFORMATION OFFICER O/O DRUG INSPECTOR, KOTTAYAM TO THE 3RD RESPONDENT
- Exhibit R3(10) (c) TRUE COPY OF THE REPLY DATED 20/09/2025 SENT BY THE STATE PUBLIC INFORMATION OFFICER O/O ACDA, ERNAKULAM TO THE 3RD RESPONDENT
- Exhibit R3(10) (d) TRUE COPY OF THE REPLY DATED 20/09/2025 SENT



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- BY THE STATE PUBLIC INFORMATION OFFICER O/O
ACDA, KANNUR TO THE 3RD RESPONDENT
- Exhibit R3(10) (e) TRUE COPY OF THE REPLY DATED 15/09/2025 SENT
BY THE STATE PUBLIC INFORMATION OFFICER O/O
DRUG INSPECTOR, WAYANAD TO THE 3RD RESPONDENT
- Exhibit R3(10) (f) TRUE COPY OF THE REPLY DATED 10/09/2025 SENT
BY THE STATE PUBLIC INFORMATION OFFICER O/O
DRUG INSPECTOR, ALAPPUZHA TO THE 3RD
RESPONDENT
- Exhibit R3(10) (g) TRUE COPY OF THE REPLY DATED 29/09/2025 SENT
BY THE STATE PUBLIC INFORMATION OFFICER O/O
DRUG INSPECTOR, KASARGODE TO THE 3RD
RESPONDENT
- Exhibit R3(10) (h) TRUE COPY OF THE REPLY DATED 25/09/2025 SENT
BY THE STATE PUBLIC INFORMATION OFFICER O/O
ACDA, THRISSUR TO THE 3RD RESPONDENT
- Exhibit R3(10) (i) TRUE COPY OF THE REPLY DATED 29/09/2025 SENT
BY THE STATE PUBLIC INFORMATION OFFICER O/O
DRUG INSPECTOR, IDUKKI TO THE 3RD RESPONDENT
- Exhibit R3(10) (j) TRUE COPY OF THE REPLY DATED 23/09/2025 SENT
BY THE STATE PUBLIC INFORMATION OFFICER O/O
DRUG INSPECTOR, PATHANAMTHITTA TO THE 3RD
RESPONDENT
- Exhibit R3 11(a) TRUE COPY OF THE MALAYALA MANORAMA (KOCHIN
EDITION) REPORT DATED 20.11.2025
- Exhibit R3 11(b) TRUE COPY OF THE MALAYALA MANORAMA (KOCHIN
EDITION) REPORT DATED 24.11.2025
- Exhibit R3 11(c) TRUE COPY OF THE KERALA KAUMUDI (KOLLAM
EDITION) REPORT DATED 20.11.2025



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APPENDIX OF WP (C) NO. 1447 OF 2025

PETITIONER'S/S' EXHIBITS

- Exhibit P1 THE PHOTOGRAPH OF VARIOUS MEDICAL SHOPS SITUATED IN AND AROUND OF CHALAKKUDY MUNICIPAL AREA
- Exhibit P2 THE PHOTOGRAPH OF VARIOUS MEDICAL SHOPS SITUATED IN AND AROUND OF CHALAKKUDY MUNICIPAL AREA
- Exhibit P3 A COPY OF THE ABOVE CIRCULAR ISSUED BY THE 2ND RESPONDENT DATED 4/9/2024
- Exhibit P4 A PHOTO COPY OF BILLS ISSUED BY MEDICAL SHOP NAMED 'RELIEF MEDICALS' CHALAKKUDY DATED 17/12/2024 AND 22/4/2024
- Exhibit P5 A COPY OF THE COMPLAINT DATED 12/10/2024 PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- Exhibit P6 A COPY OF NEWS REPORT PUBLISHED DATED 15/8/2024 IN MALAYALA MANORAMA ONLINE NEWS

RESPONDENT'S/S' EXHIBITS

- Exhibit R1(a) TRUE COPY OF ORDER DATED 27.11.2024 IN WP(C) 41978/2024
- Exhibit R1(b) TRUE COPY OF THE REPORT NO. ADC-TSR-2078/2024-E OF THE ASSISTANT DRUGS CONTROLLER, THRISSUR DATED 17.02.2025