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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 875/2025**
CHUGAI SEIYAKU KABUSHIKI KAISHA & ANR.Plaintiffs
Through: Mr. Pravin Anand, Mr. Shrawan
Chopra, Mr. Achyut Tiwari & Ms.
Krisha Baweja, Advocates
versus
ANTHEM BIOSCIENCES LIMITEDDefendant
Through: Ms. Amrita Majumdar & Mr. Samik
Mukherjee, Advocates

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **22.08.2025**

IA No.20534/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

1. The present Application has been filed on behalf of the Plaintiffs under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ("CPC") as applicable to Commercial Suits under the Commercial Courts Act, 2015 ("CC Act") seeking leave to place on record additional documents.
2. The Plaintiffs are permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the Application stands disposed of.

IA No.20535/2025 (Exemption from pre-institution Mediation)

4. This is an Application filed by the Plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.
5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of



pre-institution Mediation is granted.

6. The Application stands disposed of.

IA No.20536/2025

7. Exemption is allowed, subject to all just exceptions.

8. The Application is disposed of.

IA No.20537/2025

9. This is an Application filed by the Plaintiffs under Order XI Rule 1 and 5 of the CPC as amended by the CC Act read with section 151 of the CPC seeking directions to the Defendant to disclose and produce the documents and / or information as sought in Paragraph 14 of the Application reproduced as under-

*“(i) market authorization received by the Defendant for the generic Alectinib, or its salt soon, or any other product(s) that infringes the claims of the suit patent, if any; and
(ii) process of manufacturing of the Defendant of generic Alectinib, or its salt soon, or any other product(s) that infringes the claims of the suit patent, if any.”*

10. The learned Counsel for the Plaintiffs submitted that the above information is essential for the Plaintiffs to determine the process employed by the Defendant to manufacture their biosimilar product.

11. Issue Notice.

12. The learned Counsel for the Defendant appearing on advance service accepts Notice and seeks time to file the Reply.

13. Let Reply to this Application be filed within a period of four weeks from date. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

14. List for hearing on 09.10.2025.



IA No.20538/2025

15. This is an Application filed by the Plaintiffs under Section 151 of the CPC seeking leave to file unredacted affidavit of the independent investigator in a sealed cover.

16. For the reasons stated in the Application, the same is allowed.

17. The Application stands disposed of.

CS(COMM) 875/2025

18. Let the Plaint be registered as a Suit.

19. Issue Summons.

20. The learned Counsel for the Defendant appearing on advance service accepts Summons and seeks time to file Written Statement.

21. Let Written Statement be filed by the Defendant within 30 days from date. Along with the Written Statement, the Defendant shall also file an Affidavit of Admission / Denial of the documents of the Plaintiffs, without which the Written Statement shall not be taken on record.

22. Liberty is granted to the Plaintiffs to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the Plaintiffs, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiffs, without which the Replication shall not be taken on record.

23. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

24. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

25. List before the Joint Registrar on 15.10.2025 for completion of



pleadings.

IA No.20533/2025 (u/O XXXIX Rules 1&2 CPC)

26. This is an Application under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC. The learned Counsel for the Plaintiffs prays for the following relief:

“a) An order for interim injunction restraining the Defendant, its associates and group entities, its directors, employees, officers, servants, agents, stockists, retailers, semi stockists, wholesalers, marketers, distributors, affiliates and subsidiaries, any other entity/person in the chain of supply and all others acting for and on its behalf from using, making, manufacturing, selling, distributing, advertising, exporting, offering for sale, importing or dealing in any other manner, directly or indirectly, dealing in any product including but not limited to generic Alectinib or its salt or solvates or intermediate (s) thereof that infringes the subject matter of Indian Patent No. IN 294424;”

27. Issue Notice.

28. The learned Counsel for the Defendant appearing on advance service accepts Notice and seeks time to file the Reply. Further, the learned Counsel for the Defendant, on instructions, submits that till the next date of hearing, the Defendant shall not launch any product dealing with Alectinib or its salt or solvates or intermediate(s) that infringes the Plaintiffs’ patent granted *vide* Indian Patent No. IN 294424.

29. The said statement is taken on record and Defendant is bound by the said statement. The learned Counsel for the Defendant shall file an affidavit giving the said undertaking within a period of two weeks from date.

30. Let Reply to this Application be filed within a period of four weeks from date. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.



31. List for hearing on 09.10.2025.

TEJAS KARIA, J

AUGUST 22, 2025
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