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

CNR No. DLHC010334992026

+ **W.P.(C) 10370/2026 & CM APPL. 48020/2026**

DR KIRAN NINAD HEBBALKAR & ORS.Petitioners

Through: Mr. Kirtiman Singh, Mr. Sangramsingh R. Bhonsle, Ms. Pushkara A. Bhonsle, Mr. Sanmitra Y. Pol, Ms. Shruti Sharma and Mr. Ritwik Saha, Advocates

versus

APEX COMMITTEE FOR PHARMA MARKETING PRACTICES & ORS.Respondents

Through: None.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
04.08.2026

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1. The present writ petition has been filed by the petitioners seeking, *inter alia*, issuance of a writ of certiorari for quashing and setting aside the order dated 23.12.2024 passed by respondent no. 1, i.e. the Apex Committee for Pharma Marketing Practices, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, Government of India (hereafter '**Apex Committee**') in exercise of its powers under Regulation 13 of the Uniform Code for Pharmaceutical Marketing Practices, 2024 (hereafter '**UCPMP, 2024**'). Vide the impugned order, the Apex Committee, while reprimanding respondent no. 6, i.e. M/s AbbVie Healthcare India Pvt. Ltd. (hereafter



‘**AbbVie Healthcare**’), has, *inter alia*, directed the National Medical Commission (**NMC**) to take appropriate action against 30 Health-Care Professionals, including the petitioners herein, in terms of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 (hereafter ‘**Regulations of 2002**’).

2. As set out in the petition, the petitioners are Dermatologists and Health-Care Professionals, who had entered into Professional Service Agreements with AbbVie Healthcare, in terms whereof they were required to undertake knowledge dissemination activities identified by, and in the manner stipulated by, AbbVie Healthcare.

3. The proceedings which have culminated in the passing of the impugned order originated from an anonymous complaint dated 21.05.2024 received by respondent no. 3, i.e. the Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, Government of India (hereafter ‘**Department of Pharmaceuticals**’). The complaint, which was accompanied by certain documents, alleged unethical marketing practices on the part of AbbVie Healthcare and violation of the UCPMP, 2024 as well as the Uniform Code of Pharmaceutical Marketing Practices, 2014 (hereafter ‘**UCPMP, 2014**’). In particular, it was alleged in the said complaint that AbbVie Healthcare had provided travel tickets and hotel accommodation to Health-Care Professionals under the guise of their participation in conferences relating to aesthetics and anti-ageing medicine held between 01.02.2024 and 03.02.2024 in Monaco and between 26.03.2024 and 29.03.2024 in Paris. It was further alleged that 30 doctors, including the petitioners herein, who were associated with the aesthetic and anti-ageing



products Botox and Juvederm, had been sent to attend the aforesaid conferences.

4. On 25.06.2024, the Department of Pharmaceuticals forwarded the aforesaid complaint, to the respondent no. 4, i.e. Ethics Committee for Pharma Marketing Practices, Organization of Pharmaceutical Producers of India (hereafter '**Ethics Committee**'), for appropriate action in accordance with the UCPMP, 2024 and UCPMP, 2014. Thereafter, on 03.07.2024, correspondence was addressed in relation to initiation of an inquiry against AbbVie Healthcare pursuant to the aforesaid complaint.

5. In the proceedings so initiated, a preliminary issue arose before the Ethics Committee as to whether an anonymous complaint could at all be entertained under the UCPMP, 2024. *Vide* order dated 20.09.2024, a finding was returned to the effect that an anonymous complaint could not be entertained under the UCPMP, 2024 as well as the UCPMP, 2014.

6. Thereafter, an appeal under Regulation 13 of the UCPMP, 2024 came to be preferred before the Apex Committee and was registered as ACPMP/01/2024 against AbbVie Healthcare. The said appeal culminated in the impugned order dated 23.12.2024. By way of direction no. 10(iii) thereof, the Apex Committee directed the NMC to take action against the 30 Health-Care Professionals concerned, including the petitioners herein, in accordance with the Regulations of 2002.

7. Pursuant to the aforesaid direction, the Deputy Secretary of respondent no. 2 addressed a communication to respondent no. 5, i.e. Maharashtra Medical Council for holding an inquiry in terms of Sections 27 and 30 of the National Medical Commission Act, 2019.



8. Thereafter, on 03.07.2026, Maharashtra Medical Council issued notices to the petitioners under Rule 63(1) of the Maharashtra Medical Council Rules, 1967 for conducting an inquiry under Section 22 of the Maharashtra Medical Council Act, 1965, calling upon them to appear before it on 07.07.2026. It is the case of the petitioners that it was only upon receipt of these notices that they, for the first time, became aware of the impugned order dated 23.12.2024 and the directions issued therein, which, according to them, substantially affect their rights.

9. Pursuant to the notices dated 03.07.2026, the petitioners appeared before Maharashtra Medical Council through counsel and filed their respective replies. Subsequently, on 21.07.2026, respondent no. 5 issued notices of charge to the petitioners under Rule 67(1) of the Maharashtra Medical Council Rules, requiring them to submit their written statements of defence along with supporting documents within a period of ten days. The petitioners were also called upon to furnish the names and addresses of the witnesses, if any, whom they proposed to examine during the inquiry.

10. It is in the aforesaid circumstances that the petitioners have approached this Court challenging the impugned order dated 23.12.2024 and the consequential proceedings initiated against them.

11. The learned counsel appearing for the petitioners submits that the very foundation of the proceedings against the petitioners is an anonymous complaint dated 21.05.2024 which, in terms of the UCPMP, 2024, could not have been entertained in the first place. In this regard, he draws the attention of this Court to Regulations 10.3 and 10.4 of the UCPMP, 2024 and contends that a conjoint reading thereof makes it mandatory for a



complainant to disclose his/her identity and specifically precludes the entertainment of an anonymous complaint. It is further submitted that the Ethics Committee, which had initially considered the complaint, had itself framed a preliminary issue as to whether an anonymous complaint could be entertained under the UCPMP, 2024 and, *vide* order dated 20.09.2024, had returned a finding that such a complaint could not be entertained under either the UCPMP, 2024 or the UCPMP, 2014. Despite the aforesaid finding, the Apex Committee, while exercising appellate powers under Regulation 13 of the UCPMP, 2024, proceeded to pass the impugned order and directed initiation of action against the 30 Health-Care Professionals, including the petitioners. The learned counsel further submits that the notices of charge dated 21.07.2026 make it evident that the inquiry for alleged professional misconduct being conducted by Maharashtra Medical Council has been initiated pursuant to, and on the strength of, the impugned order dated 23.12.2024. Thus, it is argued that the proceedings presently pending before Maharashtra Medical Council are a direct consequence of proceedings which had themselves originated from an anonymous complaint. It is also argued that Rule 62(3) of the Maharashtra Medical Council Rules contains a prohibition against entertaining anonymous complaints. The learned counsel therefore contends that the proceedings are vitiated not only on account of the alleged violation of Regulations 10.3 and 10.4 of the UCPMP, 2024, but also in view of the provisions of the Maharashtra Medical Council Rules.

12. The learned counsel appearing for the petitioners thus argues that where the applicable statutory framework expressly prohibits entertainment of an anonymous complaint, proceedings founded upon such a complaint



cannot be sustained. It is contended that once the very initiation of the proceedings is contrary to the governing Regulations, all consequential proceedings emanating therefrom would also stand vitiated. On this basis, it is submitted that the proceedings originating from the anonymous complaint dated 21.05.2024, including the impugned order dated 23.12.2024 and the consequential notices dated 03.07.2026 and 21.07.2026 issued by Maharashtra Medical Council, are liable to be declared void and non-est. Reliance is also placed on decision in case of ___ High Court in ***Dr. Jagdish Jadavbhai Sakhiya v. Gujarat Medical Council & Anr.: R /Special Civil Application No. 9821/2026.***

13. No one has appeared on behalf of the respondents despite service of notice today. On the last date of hearing i.e. 28.07.2026 also, no one had appeared on behalf of the respondents.

14. Accordingly, the application seeking interim relief has been **heard** on behalf of the petitioners.

15. The principal grievance of the petitioners, in a nutshell, is that the entire proceedings culminating in the passing of the impugned order dated 23.12.2024, and the consequential disciplinary proceedings now initiated against them by the Maharashtra Medical Council, have their genesis in an anonymous complaint dated 21.05.2024. It is their case that such a complaint could not have been entertained in view of the express stipulation contained in Clauses 10.3 and 10.4 of the UCPMP, 2024. It is further their contention that the proceedings subsequently initiated by the Maharashtra Medical Council also deserve to be stayed, particularly in view of Rule 62(3) of the Maharashtra Medical Council Rules.



16. At this stage, it would be apposite to take note of Clauses 10.3 and 10.4 of the UCPMP, 2024, which read as under:

“10.3 Complaints must be in writing and for each case The Complainant should:

- i. identify himself (whether a company, entity or an individual) with a full mailing address (email and mobile telephone no).
- ii. identify the company, which is alleged to have breached the Code, including the name of any company personnel, product, or products, which are specifically involved.
- iii. give the details of the activity which is alleged to be in breach of the Code, give the date of the alleged breach, clauses of the Code which are alleged to have been breached, and provide supporting evidence of the alleged breach(es).

10.4 A non-refundable amount of Rs. 1,000/- is to be deposited by the complainant along with the complaint. The respective association will elaborate on their website how this payment is to be made. No pseudonymous or anonymous complaints or those made without the prescribed fee will be entertained.”

17. Rule 62 of the Maharashtra Medical Council Rules, 1967, insofar as relevant, also provides as under:

“62. Complaints against registered practitioners.—

- (1) The Council may suo-motu or on any complaint made to it in that behalf hold an inquiry as respects the misconduct of any registered practitioner for the purposes of section 22 of the Act.
- (2) Any complaint or information received in the office of the Council about the misconduct of any registered practitioner shall be submitted by the Registrar to the president.
- (3) No complaint shall be entertained unless it is in writing addressed to the Council and signed by the person making it, and shall state the grounds of complaint, and shall be accompanied by declarations as to the facts of the case. All anonymous complaints may be disregarded.”

18. A perusal of the impugned order dated 23.12.2024 reveals that the Apex Committee has itself, in paragraph 4 thereof, taken note of the fact that the complaint in question was anonymous. The Apex Committee, however,



proceeded to entertain the matter having regard to the '*seriousness of the allegations*'. It is pursuant to the directions issued in the said order that proceedings have subsequently been initiated against the petitioners by the Maharashtra Medical Council and notices of charge dated 21.07.2026 have been issued to them under Rule 67(1) of the Maharashtra Medical Council Rules.

19. Thus, the issue as to whether the proceedings which originated from an anonymous complaint could have been entertained on the ground of seriousness of allegations, despite the stipulation contained in Clause 10.4 of the UCPMP, 2024, and whether consequential disciplinary proceedings against the petitioners can be sustained on that basis, requires consideration.

20. It is also noted that no one had appeared on behalf of the respondents on the previous date of hearing, i.e. 28.07.2026. Even today, despite service of notice, there is no appearance on their behalf.

21. In these circumstances, and having regard to the fact that the Maharashtra Medical Council has already issued notices of charge to the petitioners and the disciplinary proceedings are presently underway, this Court is of the view that the petitioners have made out a case for grant of interim protection.

22. Accordingly, the operation of the impugned order dated 23.12.2024, insofar as it directs initiation of action against the petitioners herein, shall remain stayed during the pendency of the petition. Consequently, all proceedings initiated against the petitioners herein, pursuant to the aforesaid direction, including the proceedings before the Maharashtra Medical Council shall also remain stayed.



23. The application i.e. *CM APPL. 48020/2026* is accordingly disposed of.
24. List W.P.(C) 10370/2026 on 26.11.2026
25. The order be uploaded on the website forthwith.
26. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 03, 2026/zp
T.D.