

Advocate for the Petitioner : MR G N SAHEWALLA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE UJJAL BHUYAN**

ORDER

Date : 08-10-2018

Heard Mr. G. N. Sahewalla, learned Sr. Counsel assisted by Mr. A. Chetia, learned counsel for the petitioner.

In this writ petition, petitioner has assailed the debarment notice dated 24.07.2018 debarring the petitioner from participating in any tender of Govt. of Assam and National Health Mission (NHM) for 5 years; further directing the petitioner to withdraw all unconsumed drugs from the districts as well as drug stores of medical colleges.

Mr. Sahewalla, learned Sr. Counsel submits that aforesaid notice was in connection with the tender notice dated 11.11.2014. Petitioner was not a tenderer in the said tender process. Respondent No. 4 was a tenderer and he was awarded supply orders for supply of medicines. Respondent No. 4 had purchased some quantity of medicines from the petitioner but there is no contract agreement between petitioner and NHM. Thus, NHM could not have debarred or disqualified the petitioner. Impugned notice is therefore without jurisdiction.

Issue notice, returnable 8 (eight) weeks.

Mr. D. P. Borah, learned Standing Counsel, Health Department accepts notice on behalf of respondent No. 1 whereas Ms. A. Bora, learned Standing Counsel, NHM accepts notice on behalf of respondent Nos. 2 & 3.

Extra copies within 3 (three) days.

Notice to respondent No. 4 by registered post with A/D.

GAHC010223142018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 7080/2018

MEDIPOL PHARMACEUTICAL INDIA PVT. LTD.
A COMPANY DULY REGD. UNDER THE PROVISIONS OF THE COMPANIES
ACT, 1956 AND HAVING ITS ADMINISTRATIVE OFFICE AT 128/5, SWISS
HOUSE, VISHWAS NAGAR, SHAHDARA, NEW DELHI-110032, INDIA AND IS
REP. BY PRIYADARSHI VEERESH.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HEAL AND
FAMILY WELFARE, DEPTT., DISPUR, GUWAHATI-781006.

2:NATIONAL HEALTH MISSION
REP. BY THE MISSION DIRECTOR
OFFICE OF THE MISSION DIRECTOR
SAIKIA COMMERCIAL COMPLEX
SRINAGAR PATH
CHRISTIANBASTI
G.S. ROAD
GUWAHATI-781005
ASSAM.

3:THE EXECUTIVE DIRECTOR
NATIONAL HEALTH MISSION
SAIKIA COMMERCIAL COMPLEX
SRINAGAR PATH
CHRISTIANBASTI
G.S. ROAD
GUWAHATI-781005
ASSAM.

4:M/S AGAM PHARMACEUTICALS
1ST FLOOR
SHARMA COMPLEX

Steps within 3 (three) days.

In the meanwhile, impugned debarment notice dated 24.07.2018 is hereby stayed.

List on 19.12.2018.

JUDGE

Comparing Assistant