

Court No. - 40

Case :- WRIT - C No. - 24763 of 2023

Petitioner :- Shree Ganesh Pharmaceuticals Limited

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Harshit Pathak, Anurag Pathak

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Harshit Pathak, learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. In pith and substance, the petitioner is seeking a direction in the nature of mandamus directing the respondents to make payment regarding the supply of medicines by the petitioner to the respondent No.4 in the year 2019-20 with an interest @ 24% per annum. In support of his submission, he has placed reliance upon the judgment rendered by Hon'ble Supreme Court in **M/s Surya Construction vs. State of Uttar Pradesh & Ors. (2019) 16 SCC 794.**

2. While entertaining the writ petition on 28.07.2023, we have directed the learned learned Additional Chief Standing Counsel to seek instructions in the matter. Thereafter, matter was adjourned on four occasions. Lastly, while taking this case up on 08.11.2023, we have directed the petitioner to submit details regarding the pending bills. Learned counsel for the petitioner makes a statement at bar that the said order has been complied with on 09.11.2023.

3. Considering the facts and circumstances of the case, without expressing any opinion on merits of the case, **we dispose of this writ petition** asking the respondent No.4-Chief Medical Officer, Gonda to process the application of the petitioner strictly in accordance with law and consider his claim in the light of the judgement in Surya Construction (supra), after taking certain necessary comments from the authority concerned.

4. The said exercise is to be carried out within six weeks from the date of production of a certified copy of this order.

5. Needless to say, this Court has not expressed any opinion on the merit of the case.

Order Date :- 29.11.2023

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