IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 12457 of 2015 (F)

PETITIONER :

M/S. MERCURY LABORATORIES LIMITED,
HAVING ITS REGISTERED OFFICE REGISTERED OFFICE
AT 18 SHREEJI BHUVAN,51 MANGALDAS ROAD,
MUMBAI-400 002,
REPRESENTED BY ITS LIAISON AGENT, MADHOOR.S.

BY SRI.M.RAMESH CHANDER,SENIOR ADVOCATE
ADVS. SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE

RESPONDENT(S):

1. **KERALA STATE MEDICAL SERVICES CORPORATION LIMITED, THAICADU.P.O, THIRUVANANTHPURAM-695 014.**

2. **SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.**

3. **DRUG CONTROLLER OF KERALA, RED CROSS ROAD, THIRUVANANTHAPURAM-695 035.**

R1 BY SRI.M.AJAY,SC,KERALA MEDICAL SERV.CORPN
R2 & R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29-05-2015,ALONG WITH WP(C).NO.12458 OF 2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

WP(C).No. 12457 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY LETTER DATED 28-11-2013 ISSUED BY THE RESPONDENT.

P2- TRUE COPY OF THE SHOW CAUSE NOTICE DATED 07-12-2013.

P3- TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER DATED 20-12-2013

P4- TRUE COPY OF LETTER DATED 15-03-2014 ISSUED BY THE RESPONDENT.

P5- TRUE COPY OF THE COMMUNICATION DATED 25-10-2014 FROM THE DRUGS CONTROLLER.

P6- TRUE COPY OF THE TEST REPORT ALONG WITH COVERING LETTER ISSUED BY THE GOVT ANALYST.

P7- TRUE COPY OF THE CERTIFICATE WITH COVERING LETTER ISSUED BY THE GOVERNMENT ANALYST.

P8- TRUE COPY OF CERTIFICATE ISSUED BY THE GOVT ANALYST.

P9- TRUE COPY OF THE INFORMATION BY THE DRUG INSPECTOR,TRISSUR.

P10- TRUE COPY OF THE JUDGMENT IN WPC.NO.2625/2015 DATED 27-01-2015

P11- TRUE COPY OF THE REPRESENTATION FILED BY THE MANAGING DIRECTOR OF THE COMPANY DATED 04-03-2015.

P12- TRUE COPY OF THE ORDER NO.KMSCL/QC/BL/10/2013-14 DATED 25-03-2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) Nos. 12457 & 12458 of 2015 (F)

Dated this the 29th day of May, 2015

J U D G M E N T

The impugned orders in the above writ petitions are appealable. The tender notification itself provides for an appeal from an order of blacklisting within fifteen days from the date of issuance of the order. The orders impugned were issued on 7.4.2015. The writ petitions were filed two days later on 9.4.2015 and the same were pending till today before this court.

2. In such circumstances, considering the fact that the petitioner had been prosecuting the writ petitions bona fide; but however, this Court not being persuaded to exercise its discretionary remedy in view of the alternate remedy available, the appeal period would run from today. An appeal filed within fifteen days from today would be taken as one validly filed within time.

The writ petitions would stand closed leaving open all the contentions of either parties.

Sd/-
K.VINOD CHANDRAN,
JUDGE

jjj