

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16017 of 2015

and

M.P.Nos.1 & 2 of 2015

M/s.Krezent Pharma

Rep by its Partner Mrs.Lakshmi Bose

...Petitioner

Versus

1. The Licensing Authority
Dept. of Drug Control Govt. of Puducherry
Govt. Hospital Building 1st Floor
Nurungapakkam Kombakkam-Viliamur Road
Puducherry 605 504

2 Member Secretary (PPCC)
Govt. of Puducherry Dept. of Science
Technology & Environment Puducherry
Pollution Control Committee PHP Building
Anna Nagar
Puducherry - 605 005.

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to call for the records of 1st respondent vide No. DDC/Drugs/Unit.II/573 dt 24.4.2015 and quash the same.

For Petitioner : Mr.G.L.Ramshankar

For Respondents : Mr.R.Sreedhar
Government Advocate (Pondy)

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O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that it was granted valid licence by the 1st respondent with manufacturing licenses bearing No.07131847 in Form No.25 and No.07221848 in Form No.28, dated 18.01.2007 and subsequently, it applied for renewal of licence in

the year 2011 and according to the petitioner, till date no adverse remarks have been passed against it. Subsequently, the 1st respondent has done an inspection on 10.12.2012 and issued a memo dated 19.12.2012 pointing out certain deficiencies and called for explanation from the petitioner and petitioner has also sent its written explanation on 25.01.2013 and thereafter, a joint inspection was conducted on 12.02.2015 and it was followed by a closure notice dated 22.02.2015 issued by the 2nd respondent, recommending for disconnection of electricity supply. The petitioner has responded it by saying that it has rectified all the defects and subsequently, the closure order was revoked with a further direction to restore the power supply to it.

3. The grievance expressed by the petitioner is that only after joint inspection conducted by the respondents the revocation of the closure order was issued and once again the 2nd respondent has issued a show cause notice dated 24.04.2015, pointing out most of the very same defects, which have been complied with by the petitioner and hence prays for quashment of the said order.

4. The learned counsel appearing for the petitioner would submit that for the reasons best known to the respondents, the petitioner unit is repeatedly harassed on the grounds of non compliance of certain norms and since all defects pointed out have been complied with, there is no justification on the part of the 2nd respondent to issue the impugned show cause notice and prays to set aside the same.

5. per contra, Mr.R.Sreedhar, learned Government Advocate (Pondy), who accepts notice on behalf of respondents 1 and 2, would submit that the earlier proceedings relate to compliance of pollution control measures and the present show cause notice issued by the 2nd respondent also pertain to non maintaining the standard quality in respect of certain drugs and therefore, it is open to the petitioner to offer its explanation and prays for dismissal of the writ petition.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. The petitioner has not seriously disputed the jurisdiction of the 2nd respondent, who has issued the impugned show cause notice, but he would plea that since a joint inspection was done by both the respondents and subsequently, the closure order was revoked, there is no justification on the part of the 2nd respondent to once again issue the impugned show cause notice.

8. The fact remains that the impugned show cause notice also points out certain defects with regard to the non maintaining the standard of quality of certain drugs and since, the petitioner

has not disputed the jurisdiction of the 2nd respondent, who has issued the impugned show cause notice, he has to offer his explanation.

9. In the result, the writ petition is disposed of and the petitioner is at liberty to submit his response to the impugned show cause notice dated 24.04.2015 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent is directed to consider the same in accordance with law, after giving the representative of the petitioner, an opportunity of hearing and pass orders within a period of one week, thereafter and inform the decision taken, to the petitioner. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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1 CC to Mr.M.Kirubaharan, Advocate SR.No. 27230

1 CC to Sr.Government Pleader cum Senior Public Prosecutor for
Puducherry, SR.No. 27359

W.P.No.16017 of 2015

SAI (CO)
PSI (17.06.2015)