

\$~49

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

+ W.P.(C) 5908/2016

BAXALTA BIOSCIENCE INDIA PRIVATE LIMITED

..... Petitioner

Through : Mr Ravi Sikri, Senior Advocate with  
Mr Venancio Decosta, Mr Manmeet Singh,  
Ms Cauveri Birbal, Mr Mohit Singh, Mr Soham  
Kumar and Ms Divya Sharma

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through : Ms Prabhsahay Kaur with Dr Anshul Mudgal,  
MO (CPA), DHS, GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE BADAR DURREZ AHMED**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

%

**12.07.2016**

**CM 24294/2016**

Allowed subject to all just exceptions.

**W.P.(C) 5908/2016 & CM 24293/2016** (stay)

This petition is concerned with two drugs – ‘Factor VIII Concentrate’ bearing drug code 3984038 and the other is ‘Human Normal Serum Albumin’ bearing drug code 3881014. The grievance of the petitioner was that it has been disqualified without any reason in the subject tender. However, the learned counsel for the respondent, on instructions from Dr Anshul Mudgal, MO (CPA), DHS, GNCTD, states that as yet, the petitioner has not been technically disqualified and the evaluation sheet, which is there at page 37, is only an indication of the initial remarks and has not been finalized. If the respondent has any misgivings about the technical qualifications of the petitioner with regard to the above two drugs, a letter would be issued to the petitioner, who would then

be given an opportunity to respond to the same and it is only thereafter that the final decision on the technical qualification of the petitioner with regard to the said two drugs would be taken.

In view of the above, no further directions are necessary in this writ petition and the same stands disposed of. However, liberty is reserved to the petitioner to approach this Court in case the decision goes against the petitioner.

*Dasti* under the signature of the Court Master.

**BADAR DURREZ AHMED, J**

**JULY 12, 2016  
SR**

**ASHUTOSH KUMAR, J**