

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1010 OF 2018

JUDGMENT (ORAL): (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

The issue raised in this writ appeal filed by the Telangana State Medical Services and Infrastructure Development Corporation, which is one of the respondents in W.P. No.23168 of 2018, relates to sending samples of a particular drug to the Central Drug Laboratory, Calcutta. The issue *inter partes* gained attention of the Division Bench in W.A. No.940 of 2018 filed by the manufacturer of the drug in question. That writ appeal was dismissed as per the judgment dated 13.07.2018.

2. Hearing the learned Special Government Pleader appearing for Sri C. Appaiah Sharma, learned Standing Counsel for the appellant, Sri C.V. Mohan Reddy, learned senior counsel, appearing for Sri Anup Koushik Karavadi, learned counsel for respondent No.1 - manufacturer of the drug, and the learned Government Pleader for Medical and Health appearing for respondent No.3, we see that a different view need not be taken in this writ appeal at the instance of the appellant Corporation. However, we need to clarify that what may be ultimately required to be done is that the report that the Central Drug Laboratory, Calcutta would give is to be considered by the learned single Judge at the final hearing of the writ petition including on the question whether, in law, it is

conclusive as between the parties or whether it is to be preferentially accepted over and above the report which is already on record.

3. We clarify that anything stated herein or in the judgment in W.A. No.940 of 2018 will not stand in the way of the learned single Judge considering all the reports which may be available at the final hearing of the writ petition and deciding on the issues in accordance with the law having particular regard to the statutory provisions which governs the field.

4. Subject to the aforesaid, the Writ Appeal is dismissed following the judgment in W.A. No.940 of 2018 dated 13.07.2018. Accordingly, the appellant is directed to send samples of the drug to the Central Drug Laboratory, Calcutta, forthwith, to obtain compliance of the directions issued by the learned single Judge. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

September 14, 2018.
PV