

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20558 of 2018
Date of Decision:20.08.2018

Sanjay Kumar

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Ramesh Hooda, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the letters dated 02.02.2018 and 02.08.2018 issued by respondents No.2 & 3.

In short, the petitioner took Shop No.11 on rent in the shopping complex of respondents No.3 & 4 while participating in a bid. Respondent No.2 issued a letter to the Directors of Medical Colleges in Haryana for opening of Affordable Medicines and Reliable Implants for Treatment [AMRIT] pharmacy stores in Government/Govt. Aided Medical Colleges in the State. It was mentioned therein that the Union Ministry of Health and Family Welfare has nominated Hindustan Life Care Limited [HLL] as the implementing agency for the project called AMRIT. It is also mentioned therein that the first outlet was opened at All India Institute of Medical Sciences [AIIMS], New Delhi in November, 2015 and AMRIT has now 107 outlets all over the 20 States/Union Territories. The purpose of the Government of India for opening AMRIT was to provide the facility of drugs/surgical items and implants to the general public on prescription at

affordable rates, lower than the market rate and for that purpose the retail counters in respective Medical Colleges were requested to be opened. Respondent No.2 asked the Directors of the Medical Colleges to identify the space (approximately 800 sq. ft.) for opening of the proposed AMRIT pharmacy in the medical colleges and to execute the Memorandum of Undertaking with the Directors of Government Medical Colleges and M/s HLL Life Care Ltd. and send the approved draft of the MOU to the State Government. Respondent No.4, in turn, vide the impugned letter dated 02.08.2018 addressed to Yoginder Sharma, Directorate Marketing HLL Life Care Ltd. granted permission for opening of the proposed AMRIT pharmacy in shop No.14 of the Shopping Complex in the Institute.

The aforesaid action of respondents No.2 & 3 has now been assailed by the petitioner, who is having shop No.11 in the same Shopping Complex in which AMRIT pharmacy has been opened in Shop No.14 on the ground that it would effect his business. He has submitted that he is ready and willing to provide the drugs/implants and surgical items at the rates lower than the rates of Hindustan Life Care Limited (respondent No.5).

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that there is no merit in the present petition as the petitioner has no *locus standi* to challenge the impugned letters only on the ground of loosing business or by offering less rates than the rates of respondent No.5 as it is a venture of the Ministry of Health and Family Welfare to open AMRIT to provide the drugs/implants and surgical items at affordable prices to the poor section of society. The petitioner, if still wanted to sale the said items lower than the rates fixed by AMRIT he may do so but AMRIT pharmacy opened in Shop No.14 cannot

petition is thus found to be denuded of any merit and the same is hereby dismissed though without any order as to costs.

20.08.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*