

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 2193 OF 2018
DECIDED ON : 01.02.2018**

Synoken Pharmaceuticals Limited

...Petitioner

versus

Haryana Medical Services Corporation Limited

...Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present : Mr. Adarsh Jain, Advocate,
for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner, by way of present petition under Article 226 of the Constitution of India, has approached this Court, for issuance of a writ of certiorari, seeking quashing of order dated 07.12.2017 (Annexure P-1), whereby the respondent has forfeited the bid security of the petitioner and also debarred the petitioner to participate in the tenders of the respondent for a period of three years, on the ground that petitioner had filed a false affidavit. Further prayer has also been made for issuance of a writ in the nature of mandamus for directing the respondent to forebear from enforcing the order dated 07.12.2017.

2. Learned counsel for the petitioner, inter-alia, submitted that the impugned order was passed on 07.12.2017 (Annexure P-1). However, the Jammu and Kashmir Medical Supplies Corporation Limited (hereinafter referred to as "JKMSCL") had issued a modified order on 23.12.2017, blacklisting/debarring the petitioner-firm on the basis of non-execution of the supply order, wherein the following operative portion had been recorded :-

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“ Therefore, in view of above, requests of M/s Synokem Pharmaceuticals Limited is considered and found to be based on facts viz a viz the policy of JKMSCL in this regard non-accepted supplies and meager quantities. Accordingly, the order No.83 of 2017 dated 14.01.2017 is reviewed and modified as under :

“M/S Synokem Pharmaceuticals Limited will be ineligible to participate in any of the tenders for items/products of drugs/medicines as mentioned below for a period of two years with effect from the date of issuance of order No.83 of 2017, dated 14.01.2017 i.e up to 14.01.2019, the supplies of which were not executed by the said firm against more than three supply orders.

- I. Tab. Azithromycin (DT) 100 mg-item Code 235;*
- II. Tab. Tranexamic Acid 500 mg-item Code 377;*
- III. Tab. Sertraline 50 mg-item Code 725;*
- IV. Tab. Atorvastatin 20 mg-item Code 463;*
- V. Tab. Mifepristone 200 mg-item Code 691.”*

3. On the afore-noted premises, it was argued that JKMSCL had not debarred the petitioner completely, but only in respect of the medicines noticed in the modified order and it was also stated therein that the firm is not debarred to participate in any of the tenders for items/products of drugs/medicines, for which bid had not been given by the petitioner. Accordingly, a prayer was made that the petitioner may be permitted to file a detailed and comprehensive representation bringing this subsequent fact to the notice of the respondent, but a time bound direction be issued to the respondent to decide the same by passing a speaking order.

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4. After hearing learned counsel for the petitioner, perusing the writ petition and without expressing any opinion on the merits of controversy, we dispose of this writ petition with liberty to the petitioner to file a detailed and comprehensive representation, before the respondent within one week from today. It is further directed that in case any such representation is filed, the respondent shall decide the same within next two weeks from the date of receipt of same, by passing a speaking order and after affording an opportunity of hearing to the petitioner, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

FEBRUARY 01, 2018
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Whether speaking/reasoned :
Whether reportable :

YES/NO
YES/NO