

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

Civil Writ Petition No. 26123 of 2019 (O&M)

Date of Decision: 17.09.2019

Medipol Pharmaceutical India Pvt. Ltd.

.....Petitioner

versus

Post Graduate Institute of Medical Education and Research, Sector 12,
Chandigarh and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Sandeep Wadhawan, Advocate, for the petitioner.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This writ petition under Article 226 of the Constitution of India is filed by the petitioner challenging the order dated 21.01.2019 of black-listing/debarring him for a period of two years on the ground that the samples of Clotrimazole 1% 15 gm tube supplied were found to be not of standard quality. The petitioner approached this Court challenging the said order by filing Civil Writ Petition No. 5584 of 2019 which was subsequently permitted to be withdrawn on his request as the report of the laboratory was not available till that date.

The petitioner again took a chance by filing yet another Civil Writ Petition No. 10236 of 2019 which was dismissed as not maintainable being the second writ petition as there was no change in the circumstances under which the first writ petition was dismissed as withdrawn.

Now learned counsel for the petitioner submits that since the report of the laboratory has been received, there are changes in the circumstances and hence the order has been put to challenge.

Operative part of the report dated 19.08.2019 of the Central Drugs Laboratory reads as under:-

“.....IN the opinion of the undersigned the sample is not of standard quality as defined in the Drugs and Cosmetics Act, 1940 and Rules thereunder for the reasons given below:-
(Only “Assay of Clotrimazole” has been examined as per the direction of Hon’ble Court:-
Date of testing: White cream in sealed collapsible plastic tube, in paper carton.
Identification: Gives positive test for Clotrimazole.
Assay: Found (W/w) Claim (W/W) Limit
Clotrimazole: 0.9201% 1% 95% to 105% of claim
(= 92.01% of claim)
Reason for declaring the sample as not of standard quality.
Remarks: The sample does not conform to IP with respect to ‘Assay’ of Clotrimazole.

Sd/-Director Incharge,
Central Drugs Laboratory”.

In view of the report of the Central Drugs Laboratory that the drugs supplied by the petitioner does not conform to IP and are not of prescribed standard, we see no good ground to interfere with the impugned order of black listing and debarring him for a period of two years.

The petition accordingly fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.09.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√