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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 735 of 2020**

- Centurion Remedies Pvt. Ltd. (through Authorized Representative/Signatory), Plot No. G/5-6 & F/19, B.I.D.C., Gorwa, Vadodara-390016, India

-----Petitioner**VERSUS**

1. State of Chhattisgarh, through Secretary, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur C.G.
2. Chhattisgarh Medical Services Corporation, Through its Managing Director, Sector 27, Housing Board, Complex, Atal Nagar, Nava Raipur, District Raipur C.G.

-----Respondents**And****WPC No. 743 of 2020**

- Centurion Remedies Pvt. Ltd. (Through Authorized Representative/signatory), Plot No. G/5-6 And F/19, B.I.D.C., Gorwa, Vadodara-390016, India

-----Petitioner**VERSUS**

1. State of Chhattisgarh through Secretary, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
2. Chhattisgarh Medical Services Corporation through Its Managing Director, Sector-27, Housing Board, Complex, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. Keshav Prasad Gupta, Advocate
For Respondent No. 2	:	Mr. C.J.K. Rao, Advocate
For Respondent-State	:	Mr. Vikram Sharma, Dy. G.A.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per P.R. Ramachandra Menon, CJ.****03/03/2020**

1. The Petitioner has moved this Court with the following prayers:

“10.1 That, this Hon'ble Court may kindly be pleased to set aside the impugned Final Summery Sheet of Cover-A dated 04/02/2020 (Annexure P-1) declaring the petitioner to the not eligible.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the objections raised by the petitioner and to further consider the clarification submitted by the petitioner to

the objections raised.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to treat the petitioner as eligible and permit/ allow the petitioner to participate in the Tender process.

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the candidature of the petitioner and its Bid for the award of the Tender contract.

10.5 Any other relief which this Hon'ble Court deems fit and proper may also be passed in favour of the petitioner together with cost of the petition."

2. On 24-02-2020, we raised some queries with regard to the status of the establishment by name "M/s Centurion Laboratories" which is stated as a Division of "M/s Centurion Remedies Pvt. Ltd." i.e. the present petitioner herein. This was with reference to the submission made from the part of the respondents that the petitioner's entry was forbidden in Tender matters, in three different States, which was the reason for rejection of the bid submitted in the instant case. The case of the petitioner is that it is a different entity and the petitioner's name was not tainted in any manner. However, since, there is an admission from the part of the petitioner that 'M/s Centurion Laboratories' is a separate Division of the petitioner-Company; we wanted to ascertain whether the Division by name "M/s Century Laboratories" was a separate company/ subsidiary or otherwise, having separate legal entity. It was accordingly, that relevant documents were ordered to be produced. The said order reads as follows:

"... The learned counsel for the Petitioner submits that the bid of the Petitioner has been rejected for the reason that the Petitioner's establishment has been disqualified, having been forbidden by three different States. It is the version of the Petitioner that the establishment concerned who has been prevented by the other States is a different entity i.e. "M/s Centurion Laboratories" and not the Petitioner herein, who is "M/s Centurion Remedies Pvt. Ltd." Reference is made to Annexure P/4 issued by the Food and Drugs Control Administration.

This by itself shows that the said authority describes the name of M/s Centurion Laboratories as a Division of M/s Centurion Remedies Pvt. Ltd. - the Petitioner herein and the said certificate is issued as requested by none other than M/s Centurion Remedies Pvt. Ltd. Shri C. Jayant K. Rao, the learned counsel for the 2nd Respondent submits that the manufacturing and

the marketing licence issued by the competent authority is one and the same and that the former is only a division of the Petitioner herein.

The learned counsel for the Respondents seeks for time to put-forth their version in writing.

The petitioner is required to produce the documents, if any, to show whether “M/s Centurion Laboratories” is a separate legal entity of not. ...”

3. Subsequently, we passed another order on 28-02-2020, which is also reproduced below:

“... Shri C. Jayant K. Rao, the learned counsel appearing for Respondent No.2/Corporation seeks for a posting on 03.03.2020 to get proper instructions, and the learned counsel for the Petitioner also seeks for time to produce the relevant materials to show that the Centurion Laboratories (which is stated as separate division of the Petitioner herein) is a separate legal entity. ...”

The fact remains that no such documents have been produced by the petitioner before this Court.

4. The learned counsel for the petitioner submits that the petitioner has already moved the 2nd respondent by filing Annexure P-7 representation and the limited prayer is only to cause the same to be considered and finalized within a time frame.
5. The learned counsel appearing for the 2nd respondent submits that the matter can be disposed of accordingly.
6. In the said circumstances, the writ petitions are disposed of, directing the 2nd respondent to consider Annexure P-7 representation and pass appropriate order in accordance with law, as expeditiously as possible, at any rate, within 30 days from the date of receipt of copy of this judgment.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge