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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 7th February, 2020

+ **W.P.(C) 1398/2020 and CM No.4865/2020**

RACHIT THAKUR

.... Petitioner

Through: Ms. Aparna Jain and Mr. Ishan Berry,
Advs.

versus

**CENTRAL DRUGS STANDARD CONTROL ORGANIZATION
AND ORS.**

..... Respondents

Through: Mr. Suparna Srivastava, Central Govt.
Standing Counsel
Mr. Balaji Subramanian and Ms. Ishani Banerjee,
Advs. for R-3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **07.02.2020**

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 1398/2020

1. This Public Interest Litigation has been preferred with the following prayers :

“a) Pass an appropriate writ of mandamus, thereby instructing respondent no. 1 and 2 to take stringent action against the respondent no. 3.

b) *Pass an appropriate writ, order or directions thereby restraining respondent no. 3 to stop the sale and manufacture of "Chitosan Haemostatic Dressing".*

c) *Pass an appropriate writ, order or directions thereby directing respondent no. 1 and 2 to reply to the RTI's sent to them.*

d) *Pass such other of further order(s) as this Hon'ble Court may deem fit and proper in the present circumstances and in the interest of justice."*

2. Having heard learned counsel for the petitioner, it appears that this petitioner has levelled several allegations against respondent no.3 regarding so called violation of the Medical Devices Rules 2017 especially Rules 4(1)/8 etc. Learned counsel for the petitioner submitted that respondent no.3 is manufacturing and selling absorbable hemostatic based "Chitosan Haemostatic Dressing". A complaint dated 16th July, 2019 has also been filed by this petitioner to the aforesaid effect which is at Annexure P-7 to the memo of this writ petition. It is further submitted by learned counsel for the petitioner that this complaint is not yet decided by the respondent no.1.

3. In view of this limited submission, we hereby direct the respondent no.1 to decide the representation dated 16th July, 2019 of this petitioner which is at Annexure P-7 in accordance with law, rules, regulations and Government policy applicable to the facts of the case and after giving an adequate opportunity of being heard to the petitioner as well as to the respondent no.3 and such other stake holders, as early as possible and practicable.

4. With aforesaid directions, this writ petition is hereby disposed of.

CM No.4865/2020(interim relief)

1. In view of the disposal of the writ petition, this application also stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

FEBRUARY 07, 2020/kr



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