

24th February, 2023
(D/L No.16)
(SKB)

W.P.A. 28282 of 2022

Abbott Healthcare Pvt. Ltd.
Versus
Union of India and others

Mr. Ratnanko Banerji,
Mr. Arjun Mahajan,
Mr. Rajnish Kr. Kalawatia,
Mr. Soumay Ray,
Mrs. Rimi Das Bhowmick,
Mr. Abdullah Bin Masi
... for the petitioner.

Mr. Billwadal Bhattacharyya, ld. D.S.G.,
Mr. Arijit Majumdar
... for the U.O.I.

Mr. Debasish Ghosh,
Mr. Debraj Sahu
... for the State.

The petitioner, being the distributor of two drugs has come before this court for quashing of debarment/black listing dated 24th April, 2018 for supply of its products for a period of five years with effect from 25th August, 2017.

The learned D.S.G. appearing for the Union of India places an Office Memorandum of 2nd November, 2021, Clause 14 of which provides for revocation of orders and states that an order of debarment shall be deemed to have automatically been revoked on the expiry of the specified period and it will not be necessary to issue a specific formal order of revocation. Counsel

places a letter of 26th August, 2022 written to the petitioner wherein it was stated that the petitioner was debarred for five years from 25th August, 2017 and that the petitioner will now be allowed to participate in all tenders of the concerned segment after 25th August, 2022.

It is evident from the said letter that the petitioner's debarment which came into effect from 25th August, 2017 stood revoked from 26th August, 2022 which is four months before the present writ petition was filed. The anxiety of the petitioner to have the impugned debarment quashed cannot be made analogous to the order passed by this court on 12th August, 2022 in W.P.A.6772 of 2018 where the revocation of the debarment was made during the pendency of the writ petition and the court therefore deemed it necessary to quash the impugned debarment.

The apprehension that the petitioner may be prejudiced by the order of debarment in future tenders can sufficiently be addressed by the petitioner mentioning the letter of 26th August, 2022 from the Directorate General of Health Services stating that the revocation came to an end on and from 26th August, 2022 and all fetters on the petitioner were removed on and from that date.

Since nothing further remains to be decided in the matter, W.P.A.28282 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)