

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.6933 OF 2023

1. Sahayog Surgical Depo
Through its Proprietor,
Jaysing Taterao Deshmukh,
Age-36 years, Occu-Business,
having its shop no.11,
House No.899/1, Honaji Hills,
Latur Road,
Vishnupuri, Nanded - 431606.
2. Mayaak Pharma,
Through its Proprietor,
Shivram Tukaram Lute,
Age-52 years, Occu-Business,
Having its shop no.1,
Plot No.218, Gut No.72,
Near Grampanchayat Office,
Vishnupuri, Nanded,
Tq. Nanded, District Nanded
3. Nutan Trade Corporation
Through its Proprietor,
Naresh Ganpatlal Daliya,
Age-50 years, Occu-Business,
Having its shop at Shop No.6-26-113,
Near Jain Mandir, Gurubabadi Road,
Nizamabad,
Tq. and Dist.Nizamabad

-- PETITIONERS

VERUS

1. The State of Maharashtra,
Through Secretary in the
Department of Public Health,
Mantralaya, Fort, Mumbai-32.

2. The Director/Commissioner,
Directorate of Medical Education
and Research, Government Dental
College and Hospital Building,
St.George's Hospital Compound,
Near V.T. Mumbai - 4000 001.
3. The Dean,
Dr.Shankarrao Chavan Government
Medical College and Hospital,
Vishnupuri, Nanded - 431606

-- RESPONDENTS

Mr.G.V.Mohekar h/f Mr.A.B.Shinde, Advocate for the Petitioners.
Mr.D.R.Kale, Govt.Pleader a/w Mr.S.W.Munde, AGP for Respondent
Nos. 1 to 3.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 11, 2023

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by
the consent of the parties.

2. The Petitioners have put forth prayer clause B, C, D and E
as under :-

*"B. By issuing a writ of mandamus, or any other appropriate writ or
order of a like nature, the respondent No.3 Government Hospital may
please be directed to release payment of petitioners as per Exhibit C*

outstanding bills, due towards supply of Covid-19 medicines and surgical equipment's, supplied from June 2020 to Sept.2020, within some stipulated period and as early as possible ;

C. By issuing appropriate directions, the respondents may please be directed to process the outstanding bills, due towards supply of Covid-19 medicines and surgical equipments, supplied from June-2020 to Sept.2020 by petitioners to respondent No.3 Hospital and pay the outstanding amount as per Exhibit C towards it to the petitioners within some stipulated period and as early as possible ;

D. The Respondent Nos. 2 and 3 may please be further directed to pay to the petitioners, interest @ 18% per annum on due amount of outstanding bills, to be calculated from the date on which it become due till the actual realization of the due amount.

E. Pending hearing and final disposal of the writ petition, the respondent Nos. 2 and 3 may please be directed to deposit the amount admitted by them as per Exhibit C in the Registry of this Honourable Court, within some stipulated period;"

3. The Petitioners are before us praying for releasing of their admitted dues to the tune of Rs.94,71,971/-, 37,25,239/- and 84,23,000/- towards the bills for supply of the Covid-19 medicines as well as surgical equipment, during the Covid period. There is no dispute as regards the payments of these amounts It is also undisputed that these bills are towards the medicines and the surgical equipment

that were supplied for combating the Covid-19 pandemic. The record before us clearly indicates that the Medical College and the Medical Authorities admit their liability towards the payment of these amounts.

4. A communication dated 20.08.2022 addressed to the Commissioner, Medical Education indicates that the amount was to be cleared by making a financial provision in the Monsoon Session of the State Legislative Assembly in 2022. We are informed that the next Monsoon Session for 2023 is round the corner. Yet the bills have not been cleared.

5. In identical set of facts, this Court had delivered a judgment on 04.04.2023 in WP No.2096/2022, at Aurangabad directing the Dean of the Government Medical College to release the amounts to the Petitioners within a period of 4 (four) weeks. In view of the above, we are constrained to pass a similar order directing Respondent No.1 to ensure that the amounts of Rs.94,71,971/-, 37,25,239/- and 84,23,000/-, are delivered to Respondent No.3 / Dean of the Medical College within 30 days from today. After such amounts are received, Respondent No.3 would clear the outstanding bills of the

Petitioners and similarly situated other persons/entities, if any, within 15 days.

6. The Writ Petition is accordingly allowed and Rule is made absolute in terms thereof.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)