

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CIVIL APPLICATION (CAO) NO. 493/2023 IN
SUO MOTU PUBLIC INTEREST LITIGATION NO. 1/2023
 (Courts on its Motion Vs. State of Maharashtra & ors.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A. J. Gilda, Amicuse Curiae.
 Mr. R. Badhe, Advocate for intervenor.
 Mr. D. P. Thakare, Additional Government Pleader for respondent
 Nos. 1 to 3.
 Mr. S.M. Puranik, Advocate for respondent No. 5.
 Mr. Y. Sambre, Advocate for respondent No. 12.
 Mr. F. Mirza, Advocate for respondent.

CORAM: VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.

DATED : 24/04/2023.

Heard.

2. The limited issue raised by the intervenor in whose favour tender was allotted is that due to use of word 'Refurbished', the dispute regarding the product arose. According to the intervenor, the same issue was earlier referred to the technical expert committee of Indian Institute of Technology ('IIT') who have opined in their favour. It was followed by the assessment by the Technical Committee of Government Medical College and Hospital (GMCH') who also felt it to be valid.

3. Respondent No. 12 would submit that as per Clause 3-B of the purchase order dated 23.02.2023, the requirement is of new product and not 'Refurbished'. It is submitted that the expert medical officer of GMCH have

also expressed about the requirement of that kind and not 'Refurbished' product. It is pointed out that a committee has been constituted by the respondent No. 1 consisting of nine members to sort out differences and disputes of such kind. Intervener submitted that they were not updated about the existence of such committee at any earlier point of time. The matter is too technical and required to be dealt by the expert committee. In view of that, the intervener may approach to the committee constituted by the respondent No. 1 Medical Education and Drugs Department in terms of Government Resolution dated 27.10.2017 within one week. On receipt of representation, the Committee shall take appropriate decision within two weeks thereafter in accordance with law. The time consumed in the process would be considered while examining the time constraints imposed on the respondent No. 12.

4. Application stands dispose of.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

Gohane