



WEB COPY



W.P.No.27591 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27591 of 2014

and

M.P.No.1 of 2014

M/s.S.M.Pharmaceuticals,
Rep. by its Proprietor
Mr.Chandra Kumar Chawla,
No.37/A2, Pillagumpe Industrial Area,
Hosakote, Bangalore-562114.

...Petitioner

-Vs-

1. The Government of Tamilnadu,
Rep. by its Secretary to Government,
Health and Family Welfare (H2) Department,
Fort St.George, Chennai-600 009.

2. The Managing Director,
Tamilnadu Medical Services Corporation Ltd.,
No.417, Pantheon Road, II Floor,
Egmore, Chennai-600 008.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the Second Respondent in Ref.No. 3110/TNMSC/QC/ 2012-2013 dated 07.11.2012 and the consequential order passed by the first



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respondent in Letter No. 10213/H1/2013-1 dated 23.07.2014 quash the same and consequently direct the respondent to pay a sum of Rs.16,61,235/- (Rupees Sixteen Lakhs Sixty One Thousand Two Hundred and Thirty Five only) with interest @ 18% from May 2012.

For Petitioner : Ms.Hemalatha P.M. for
M/s.S.Ramasamy Law Associates

For Respondents :
(for R1) : Mr.T.Arun Kumar, AGP
(for R2) : Ms.K.Sathiya for
M/s.Shivakumar and Suresh

ORDER

The petitioner was a successful tenderer and a work order was issued by the respondents to the petitioner for the supply of disinfectant fluid. By the laboratory test report, the Tamil Nadu Medical Service Corporation Limited found that the black disinfectant fluid supplied by the petitioner was not of standard quality and blacklisted the petitioner company for two years.

2.The learned counsel for the petitioner relied on the laboratory report obtained by the petitioner. The said report cannot be trusted in view



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of the fact that the petitioner has challenged the very report of the Tamil Nadu Medical Service Corporation Limited and instead of defending the case, the petitioner has obtained a lab report from a private lab which cannot be accepted for the purpose of considering the case of the writ petitioner.

3.Since the petitioner was blacklisted for a period of two years from the date of passing of the impugned order on 17.11.2012 and the period of blacklisting expired in the year 2014, at this length of time no further adjudication needs to be undertaken in respect of the grounds raised by the writ petitioner.

4.Accordingly, the writ petition stands **dismissed**. No costs.
Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

To

1. The Government of Tamilnadu,
Rep. by its Secretary to Government,
Health and Family Welfare (H2) Department,
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