

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4746-2024(O&M)
Date of decision: 29.02.2024

MDD Medical System India Pvt. Ltd.
... Petitioner
Versus
State of Haryana and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Puneet Bali, Senior Advocate, with
Mr. Vibhav Jain, Advocate, and
Mr. Gagandeep Singh, Advocate, for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Ms. Kushaldeep Kaur, Advocate.
Ms. Divya Sharma, Advocate, Sr. Panel Counsel,
for respondent No.4-UI.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“CIVIL WRIT PETITION under Articles 226/227 of
Constitution of India for issuance of a writ in the nature
of Certiorari, quashing the complaint Memo dated
28.07.2022 (Annexure P-33) whereby Petitioner has been
barred from participating in any tenders of the Medical
Education and Research Department, being illegal and
arbitrary;

AND/OR

FURTHER it is prayed that this Hon’ble Court may be
pleased to issue any other appropriate Writ, Order or
Direction which this Hon’ble Court may deem fit and
proper in the peculiar facts and circumstances of the
present case.”

Having argued the matter at some length, learned Senior counsel
for the petitioner submits that vide representation dated July 26, 2023 (P-62),

addressed to the Additional Chief Secretary to Govt. of Haryana, Health and Family Welfare and Medical Education & Research Department, Haryana, the petitioner had prayed for revocation and cancellation of MER Memo No.DMER/F-2/C-A/2022/6782, dated 28.07.2022. And, in response thereto, vide communication dated September 13, 2023 (P-63), the petitioner was afforded an opportunity of personal hearing by the authorities on 27.09.2023 at 11:00 AM. It is submitted that on the appointed date, the petitioner not only appeared in support of its claim, but also submitted a written response dated September 27, 2023 (P-64). However, even though a considerable time has elapsed, the matter has not made any tangible progress. And, as a result, the rights/interests of the petitioner continue to suffer.

Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana, on behalf of respondents No.1 to 3, and Ms. Divya Sharma, Senior Panel Counsel, UOI, on behalf of respondent No.4, are present in Court.

Learned Additional Advocate General, Haryana, on instructions, submits that petitioner may appear before the Additional Chief Secretary, Medical Education & Research Department, Haryana, on 04.03.2024 at 11:00 AM. Whereafter, the competent authority, on due consideration of the concerns/grievances of the petitioner, as sought to be raised in the petition, would pass the necessary orders, in accordance with law.

Learned Senior counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of in terms of his statement. However, he submits that the matter

being time sensitive, the competent authority be directed to take a decision within a specified time.

To which, learned State counsel submits that the necessary orders, after affording an opportunity of hearing to the petitioner on 04.03.2024, shall be passed within a period of three weeks thereafter.

In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider/examine the matter in the right earnest and as undertaken by learned Additional Advocate General, would pass a detailed order within the period indicated above, assigning reasons in support thereof.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

29.02.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO