

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WA No. 321 of 2024

M/s B. Braun Medical (India) Private Limited **Versus** State Of Chhattisgarh
and others

<u>01/07/2024</u>	Heard Mr. Kishore Bhaduri, learned Senior Advocate, assisted by Mr. Pankaj Singh, learned counsel for the appellant. Also heard Mr. Ranbir Singh Marhas, learned Additional Advocate General, appearing for respondents No. 1, 4 & 5/State and Mr. Trivikram Nayak, learned counsel, appearing for respondents No. 2 & 3. Learned counsel for the appellant submits that the appellant had supplied certain medical equipments to respondent Nos.2 & 3/ Chhattisgarh Medical Services Corporation Limited to which part of payment was made to him, however, outstanding amount is withheld. He has relied upon a letter dated 21.12.2023, which was addressed to the concerned Secretary of the District Legal Services Authority with respect to the payment of the appellant. It is stated that from the letter dated 21.12.2023, it is transpired that the amount is admitted and the balance amount could not be paid to the appellant on account of lack of insufficiency of fund, to which learned counsel for the private respondents has admitted the fact about the letter being issued by the concerned Authorities to the District Legal Services Authority, but he

states that the learned Single Judge finding that the dispute between the parties, the payment was a disputed one, hence, has rightly dismissed the writ and this appeal also should be dismissed, to which learned counsel for the appellant has submitted that an FIR is said to have been lodged on 15.03.2019 with respect to Dr. Puneet Gupta, who was the then Superintendent of the D.K.S. Hospital, where some embezzlement was made to the tune of Rs.50 Crores and no FIR has been registered against the appellant, thus the concerned respondent is liable to make the outstanding payment in view of the fact that the amount has been admitted.

In **support of his case**, learned counsel for the appellant relied upon the judgment passed by the Hon'ble Supreme Court in the matter of **"Surya Constructions v. State of Uttar Pradesh and others"** reported in **(2019) 16 SCC 794**.

Learned counsel for the respondents No.2 & 3 prays for two weeks time to file the return.

List this case thereafter.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice