



HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 321 of 2024

M/S B. BRAUN MEDICAL (INDIA) PRIVATE LIMITED **versus** STATE OF CHHATTISGARH AND OTHERS

Order Sheet

23.07.2025	Heard Shri Kishore Bhaduri, learned Senior Advocate assisted by Shri Harsh Dave, learned counsel for the appellant. Also heard Shri Prafull Bharat, learned Advocate General, and Shri Shashank Thakur, learned Additional Advocate General, appearing for the State, and Shri Trivikram Nayak, learned counsel appearing through virtual mode for respondents-2 and 3. In compliance of the Court's order dated 22.07.2025, Shri Amit Kataria, the Secretary, Government of Chhattisgarh, Department of Health and Family Welfare and Medical Education, Mantralaya, Mahanadi Bhawan,

Nava Raipur, Atal Nagar, District Raipur (C.G.) has filed an affidavit dated 22 July, 2025, relevant part of which is reproduced hereinbelow:-

“2. That, vide order dated 22.07.2025, this Hon'ble Court had directed, as follows:-

"The Secretary concerned is directed to file his personal affidavit by tomorrow, explaining his Inaction towards filing of reply in the matter, failing which, he shall appear in person."

In compliance whereof, the instant affidavit is being filed before the Hon'ble Court for its kind perusal and consideration.

3. That, at the outset, the Deponent respectfully submits that, he is duty bound to follow all the directions and orders passed by this Hon'ble Court from time to time and has deepest and highest regard of this Hon'ble Court and he will take all possible measures to ensure compliance of the orders and directions of this Hon'ble Court in letter and spirit.

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| | <p>4. That, in terms of the direction issued by this Hon'ble Court, a show cause notice was issued to the concerned Deputy Secretary and Under Secretary of the Department as to how the subject matter was not put up before the Deponent for appointment of OIC for filing of reply in the subject matter before this Hon'ble Court. That, vide show cause notice dated 22.07.2025, it has categorically been instructed that, till date no copy of the above mentioned case or any record related to it, has been presented before the Deponent due to which, it was not possible to take immediate necessary action in the matter.</p> <p>5. That, in the said show cause notice, it is further observed the fact that, it was expected that, if immediate cooperation would have been provided by the concerned officials to submit all the documents related to the above case, necessary action would have been taken for appointment of OIC as per rules as soon as possible.</p> |
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6. That, in the said show cause notice, it has also been directed to the concerned officials that, the said negligence has been taken very seriously, therefore, they are required to submit their explanations why the appropriate documents were not submitted on time and also tell what steps you have taken to ensure that, such a situation does not recur in future. Copy of the show cause notice dated 22.07.2025, is being annexed herewith as **ANNEXURE R/1** for kind perusal of this Hon'ble Court.

7. That, however, it is humbly submitted that, as soon as, the order passed by this Hon'ble Court came to the knowledge of the Deponent herein, on today itself, the OIC has already been appointed in the subject matter on behalf of the State and the reply has also been prepared and is being filed before this Hon'ble Court for its kind consideration.

8. That, it is humbly submitted that, the Deponent

was not aware about the present subject matter, as no documents whatsoever have been produced before him so that, enabling him for taking immediate necessary action in the matter. It is the first time today itself, as soon as the order passed by this Hon'ble Court came to the knowledge of the Deponent, immediate necessary action has been taken for appointment of OIC on behalf of the State for filing of reply in the subject matter before this Hon'ble Court.

9. That, the Deponent has highest regards to the orders and directions passed by the Hon'ble Court from time to time and as and when, any further direction be made by the Hon'ble Court, the same will be complied with in its true sense.

10. That, the contents of the attached Affidavit at Para 01 to 09, have been drafted under my instruction and the contents thereof are true and correct on the basis of the records, available in the office."

In the aforementioned Affidavit the Secretary has

explained as to why he did not respond to the communication made for appointing OIC for filing return in the matter though the same was communicated by the office of Advocate General and it is stated in para No.6 that show cause notice has been issued to the erring officials who are in rank of Deputy Secretary.

The Secretary, Government of Chhattisgarh, Department of Health and Family Welfare and Medical Education, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur (C.G.) shall communicate the action taken against the said officials to this Court by the next date of hearing by filing his personal affidavit.

Two weeks' time is allowed to the learned counsel for the appellant to file reply to the return filed by the State today and the matter be listed again on 01st of August 2025.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice