



HIGH COURT OF CHHATTISGARH AT BILASPUR

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Date: 2025.08.01
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WA No. 321 of 2024

M/s. B. Braun Medical (India) Private Limited

Versus

State Of Chhattisgarh

Order Sheet

01/08/2025	Mr. Harsh Dave, learned counsel on behalf of the appellant submits that Senior Advocate, Mr. Kishore Bhaduri is not available today to argue the matter as he is ill. Mr. Shashank Thakur, learned Deputy Advocate appearing for respondent / State submits that in compliance of the Court's order dated 22.07.2025, the Secretary, Government of Chhattisgarh, Department of Health & Family Welfare has filed his personal affidavit, relevant paras of which are reproduced herein below:- <i>"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</i>

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.

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.

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."

It has been submitted that the main fault lies with the Nodal Officer, who did not inform the person concerned for appointment of OIC and he has been given a warning, but the explanation given, appears to be only just to wash away the responsibility of appointing the OIC.

It is made clear that the Secretary concerned shall ensure that his Department acts in a more prompt way on the communication of the Office of learned Advocate General and the OIC be appointed for filing the affidavit and returns etc. and in future any such dereliction of duty would be viewed seriously and

accountability would be fixed on the person who is helm of affairs.

Further, the learned Advocate General shall also ensure that any communication made from his office to the concerned Department of the State for seeking any query, report, return etc. to be filed before the Court, it is his responsibility to make the same available / filed so that the proceedings of the Court is not be held up because of lack of communication between his Office and respective Departments of the State.

List the matter again on when the Bench is available next as an adjournment is prayed on behalf of Mr. Kishore Bhaduri, Senior Advocate who is unwell today.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice