

GAHC010248542024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6158/2024

MR. RIPONJYOTI SARMAH @ RIPON SARMAH
S/O KHAGEN SARMAH
PROPRIETOR OF M/S KAZIRANGA MEDICOS. MOTHER TERESA ROAD,
NARENGI, GUWAHATI KAMRUP M ASSAM 781026

VERSUS

THE UNION OF INDIA AND ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HEALTH AND FAMILY
WELFARE, NIRMAN BHAWAN, NEW DELHI 110011

2:THE DIRECTOR

ROOM NO. 545 A WING
CENTRAL GOVT. HEALTH SCHEME
DIRECTORATE GENERAL OF CENTRAL GOVT. HEALTH SCHEME
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI 110011

3:THE ADDL. DDG(HQ)

DIRECTORATE GENERAL OF CENTRAL GOVT. HEALTH SCHEME
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI 110011

4:THE ADDITIONAL DIRECTOR

CENTRAL GOVT. HEALTH SCHEME
AK AZAD ROAD
GOPINATH NAGAR GUWAHATI 78101

Advocate for the Petitioner : DR R C BORPATRA GOHAIN, MS P.HAZARIKA,MR. R D PHUKAN,MRS. S BORPATRA GOHAIN

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.11.2024

Heard Dr. R.C. Borpatra Gohain, learned Sr. Counsel appearing for the petitioner, who submits that the petitioner's drug licence bearing registration No.KMP/12059 & KMP/12100, which was valid up to 31.12.2026, could not be uploaded in the GeM Portal, pursuant to the NIT dated 04.10.2024. He submits that the petitioner had attempted to upload the drug licence on 02.08.2024 and 06.11.2024. After the last date of submission of tenders, i.e., 08.11.2024, the petitioner submitted a representation dated 09.11.2024 to the Addl. Director, CGHS, requesting that his drug licence should be accepted and the validity verified.

2. Mrs. R. Devi, learned CGC, on the other hand, submits that in terms of Section 1 "Eligibility" of the NIT, the petitioner was to upload his representation regarding inability to upload the drug licence, to the Addl. Director, CGHS, Guwahati, who would have the sole discretion to either accept or reject the explanation given by the bidder. However, the petitioner did not upload his representation dated 09.11.2024. Further, if the petitioner had submitted his bid even without the drug licence, then the petitioner's name would have been present in the "List of Sellers Participated". She submits that the petitioner appears not to have submitted any bid documents in pursuance to the NIT

dated 04.10.2024.

3. Dr. R.C. Borpatra Gohain, learned Sr. Counsel for the petitioner prays for 2(two) days' time to file additional affidavit.

4. List the matter in the next week.

JUDGE

Comparing Assistant