

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5154 of 2024**

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MICRON PHARMACEUTICALS

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR HARSHADRAY A DAVE(3461) for the Petitioner(s) No. 1

for the Respondent(s) No. 2

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the

Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 01/04/2024****ORAL ORDER**

1. Heard Mr. Jay K. Barot, the learned advocate appearing for Mr. Harshadray A. Dave, the learned advocate appearing for the writ-applicant.

2. It is the case of the writ-applicant that the writ-applicant was awarded the contract pursuant to the tender process for supply of approximately 72585000 tablets as per the rate contract. The same was valid upto 28.2.2023. The said rate contract was executed between the parties with respect to 50% quantity order. The writ-applicant was informed by communication dated 19.7.2022 that the Committee had decided not to give any purchase orders and further decision will be taken by the Committee as per the tender terms and

conditions. No further order came to be placed upto completion of contractual period i.e. dated 28.2.2023.

3. The writ-applicant herein was issued show cause notice dated 1.4.2023 calling upon the writ-applicant to show cause as to why penal actions as contemplated in the notice be not taken against the writ-applicant.

4. It is also the case of the writ-applicant herein that the respondent without jurisdiction extended the period of contract upto 30.8.2023. Such action of extension was unilateral and is without jurisdiction since the contract period had concluded four months prior to said extension. The writ-applicant herein object the same by letter dated 8.7.2023 and email dated 15.7.2023. Pursuant to the same by email dated 23.1.2024 the respondent directed the writ-applicant herein to supply the stock within 15 days. Being aggrieved by impugned exercise undertaken by the respondent No.2 the writ-applicant herein has approached this Court.

4. Issue notice making it returnable on 6.5.2024.

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

K.K. SAIYED