

16.01.2025
Item Nos.4 & 5
PG/KS
Ct. No.1

W.P.A. (P) 10 of 2025

**Vijay Kumar Singhal
Versus
Union of India & Ors.**

+

W.P.A. (P) 9 of 2025

**Koustav Bagchi & Anr.
Versus
The Union of India & Ors.**

Mr. Phiroze Edulji, Sr. Adv.
Ms. Anamika Pandey
Mr. Ghanashyam Pandey
Ms. Sneha Singh
Ms. Bipasha Jaiswal
Mr. R. V. Kundalia
Mr. Ajit Kumar Chowbey

.....For the Petitioner
(W.P.A. (P) 10 of 2025)

Mr. Billwadal Bhattacharya, Sr. Adv.
Mr. Tarunjyoti Tewari
Ms. Priti Kar
Mr. Debayan Ghosh
Ms. Kausiki Bose

.....For the Petitioners
(W.P.A. (P) 9 of 2025)

Mr. Rajdeep Majumder, Ld. D.S.G.I.
Mr. Moyukh Mukherjee

.....For the Union of India

Mr. Kishore Dutta, Ld. A.G.
Mr. Anirban Ray, Ld. G.P.
Mr. Sirsanya Bandopadhyay, Sr. Standing Counsel
Mr. Ritesh Kumar Ganguli

.....For the State

Mr. Amajit De, Special PP

.....For the C.B.I.

Mr. Arijit Chakrabarti
Ms. Swati Kumari Singh

.....For the Enforcement Directorate

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Rachit Lakhmani
Mr. Yash Singhi
Mr. S. Bose
Mr. Mrigank Kejriwal

.....For the Respondent Nos.11 & 12
(W.P.A. (P) 10 of 2025)

1. These two writ petitions have been filed as public interest litigations highlighting certain untoward incidents, which occurred very recently to two ladies, who were admitted for delivering the babies in Government hospital and as on date, one lady and one infant have died. The cause of death is stated to be a contaminated IV fluid being administered to the pregnant mothers, which is called as Ringer Lactate Solution.
2. Learned advocate appearing for the petitioners in W.P.A. (P) 9 of 2025 submits that during the course of hearing of the writ petition, another lady and an infant have died, which according to the learned Advocate General is incorrect.
3. The petitioners prayed for impartial enquiry into the matter and for other reliefs. The petitioner in W.P.A. (P) 10 of 2025 seeks leave to file a Supplementary Affidavit to bring certain facts on record. Leave granted to the petitioner to do so.
4. It is rather disturbing to note that despite an order passed by the licensing authority and controlling authority of Siliguri Regional Office, Drugs Control, West Bengal on 10th December, 2024 directing Paschim Banga Pharmaceutical, a unit of Farista Vanijya Limited/respondent nos.11 and 12 to stop manufacturing activities for commercial purpose till further orders, the Health Department of the State

appears to have not taken immediate proactive action to suspend the usage of the drugs, which were manufactured by the respondent nos.11 and 12. This action appears to have been taken only on 14th January, 2025 by the Directorate of Health Services, Central Medical Stores, Government of West Bengal by which a direction has been issued to all medical college and hospitals and Chief Medical Officers, Health of the District that all the items procured through SMIS from the respondent no.12 should not be used even if available in stocks and all the existing stock of the items supplied by the respondent no.12 should be withdrawn from wards/hospitals until further orders, if not already done. We failed to understand as to why it took more than 10 days to pass an order to withdraw the existing stocks.

5. The learned Advocate General appearing for the State on instruction would submit that now the stocks have been withdrawn.
6. Be that as it may, both the writ petitions have flagged a very important issue i.e. the safety and the health of the citizens of West Bengal, more particularly, those who go to the medical college and hospitals for treatment.
7. The learned Deputy Solicitor General on instruction submitted that action has been taken by the Central Government and the factory has been sealed and

notices have been issued to the respondent nos.11 and 12.

8. All the action taken by the State as well as the Centre cannot bring back the lives, which have been lost.
9. The learned advocate appearing for the petitioners in W.P.A.(P) 9 of 2025 submitted that the names of the patients to whom drug manufactured by the respondent nos.11 and 12 have been administered should be disclosed before this Court since as per the medical opinion, the spurious or sub-standard drugs will have a long term impact on the patients to whom it was administered though they may be still not showing any serious symptom.
10. In any event, the State being a welfare State should immediately disburse adequate compensation to the victim of the family of the deceased as a succor to them, though it cannot bring back the lives of the people, which are lost.
11. The learned Advocate General submitted that they had already commenced the investigation and the matter has been entrusted to the Criminal Investigation Department.
12. The learned senior advocate appearing for the petitioner in W.P.A. (P) 10 of 2025 has referred to an order passed by the Karnataka State Medical Supplies Corporation as early as on 22nd March, 2024 blacklisting the

respondent no.12 for a period of 3 years commencing from the date of the said order.

13. Learned senior advocate appearing for the respondent no.12 submitted that the High Court of Karnataka has granted an order of stay of the order blacklisting the respondent no.12.
14. The learned advocate appearing for the petitioner would submit that the respondent no.12 has come to adverse notice in other States also where the drugs manufactured by them were supplied.
15. In order to consider the prayers, which have been sought for in both the writ petitions, we would direct the Chief Secretary, Government of West Bengal to file a comprehensive report placing on record all facts including the names of the patients to whom the drugs supplied by the respondent nos.11 and 12 were administered, which appears to be seven (7) in number.
16. The appropriate authority of the Central Government shall also file a report as to the action taken against the respondent nos.11 and 12.
17. Liberty is also granted to the respondent nos.11 and 12 to file their affidavit.
18. After the reports and affidavit come on record, the Court will consider as to what further directions are required to be issued.

19.As mentioned above, before the next date of hearing,
the State should adequately compensate the family of
the deceased.

20. List both these matters on 30th January, 2025.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)