

Revindran V vs Managing Director

Revindran V vs Managing Director

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Court : Kerala

Decided On : Jan-30-2023

Judge : Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/2730/2023

Appellant : Revindran V

Respondent : Managing Director

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944
WP(C) NO. 2730 OF 2023 PETITIONER/S: REVINDRAN V AGED 57
YEARS S/O VELAYUDHAN NAIR, MANAGING DIRECTOR, AGE
INDUSTRIES PRIVATE LIMITED 1/887,AGEIND HOUSE, KOUSAPARA
P.O. MENEONPARA PALAKKAD, PIN - 678 556. BY ADVS.
P.SATHISAN DONA AUGUSTINE SHIBU B.S RESPONDENT/S: 1
MANAGING DIRECTOR KERALA MEDICAL SERVICES
CORPORATION LIMITED THYCAUD P.O., THIRUVANANTHAPURAM,
PIN - 695 014. 2 KERALA MEDICAL SERVICES CORPORATION
LIMITED THYCAUD-PO, THIRUVANANTHAPURAM REPRESENTED

THROUGH MANAGING DIRECTOR.

3 DRUGS CONTROLLER GENERAL (INDIA) & CENTRAL LICENSING AUTHORITY CENTRAL DRUGS STANDARD CONTROL ORGANISATION (CDSCO) MINISTRY OF HEALTH & FAMILY WELFARE DIRECTORATE GENERAL OF HEALTH SERVICES, GOVERNMENT OF INDIA, FDA BHAVAN, KOTLA ROAD, NEW DELHI, PIN - 110 002. 4 DRUGS CONTROLLER -KERALA & STATE LICENSING AUTHORITY OFFICE OF THE DRUGS CONTROLLER RED CROSS ROAD, VANCHIYOOR, THIRUVANANTHAPURAM PIN - 695 035. 5 SECRETARY HEALTH & FAMILY WELFARE DEPARTMENT GOVERNMENT OF INDIA NIRMAN BHAVAN, NEW DELHI, PIN - 110 011. 6 PRINCIPAL SECRETARY TO GOVERNMENT HEALTH & FAMILY WELFARE DEPARTMENT GOVERNMENT OF KERALA SECRETARIAT, THIRUVANANTHAPURAM - 695 001. BY ADV. SRI. M.AJAY, SC SMT. RESHMI K.M., SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C) No. 2730/2023 :2:

SHAJI P. CHALY, J.

W.P.(C). No. 2730 of 2023 Dated this the 30th day of January, 2023.

JUDGMENT

The petitioner, who is the Managing Director of M/s. Age Industries Ltd., a company engaged in the manufacturing of surgical gloves, is supplying their products to the Kerala Medical Services Corporation Limited, second respondent, for the past 12 years.

2. The issue involved in this case revolves around the tender

invited by the Kerala Medical Services Corporation Limited. Various contentions are raised with respect to the illegal action on the part of the second respondent in rejecting the bid submitted by the petitioner.

3. However, today, when the matter is taken up, the learned

counsel for the petitioner submitted that it would suffice, if a direction is issued to the first respondent i.e., the Managing Director, Kerala Medical Services Corporation Limited, to consider Exhibit P12 representation dated 19.01.2022 within a time frame.

4. Therefore, after having heard the learned counsel for the

petitioner Sri. Sathisan and the learned Standing Counsel for Kerala Medical Services Corporation Limited Sri. M. Ajay, this writ petition is disposed of directing the first respondent to finalise Exhibit P12 at the W.P.(C) No. 2730/2023 :3: earliest and at any rate within three weeks from the date of receipt of a copy of this judgment. The questions of facts and law raised in the writ petition are left open. sd/- SHAJI P. CHALY, JUDGE. Rv W.P.(C) No. 2730/2023 :4: APPENDIX OF WP(C) 2730/2023 PETITIONERS EXHIBITS: Exhibit P1 TRUE COPY OF THE THE LICENSE IN REGISTRATION NO.PGT/09/463/2002 ISSUED UNDER FACTORIES ACT Exhibit P2 TRUE COPY OF THE CERTIFICATE OF AMENDMENT NO.P1/2042/2010 DATED 18.03.2010 ISSUED BY DEPARTMENT OF INDUSTRIES, GOVERNMENT OF KERALA Exhibit P3 TRUE COPY OF THE CERTIFICATE ISSUED UNDER MSME ACT (UDYAM REGISTRATION) Exhibit P4 TRUE COPY OF THE LICENSE ISSUED BY THE LOCAL AUTHORITY, ELAPPULLY GRAMA PANCHAYATH DATED 15.05.2013 ALONG WITH RENEWAL FEE PAID RECEIPTS Exhibit P5 TRUE COPY OF THE RELEVANT NOTICE CLASSIFYING THE SURGICAL GLOVES AS A CLASS B MEDICAL DEVISE ISSUED ON 13-09-2021. Exhibit P6 TRUE COPY OF THE RELEVANT EXTRACT OF THE TENDER DOCUMENT NO.KMSCL/ED/III-VIII/RC/2022/012 DATED 22.10.2022 Exhibit P7 TRUE COPY OF THE RELEVANT EXTRACT OF THE APPLICATION IN THAT REGARD WITH CERTAIN PERTINENT ANNEXURES. Exhibit P8 TRUE COPY OF THE RELEVANT EXTRACT OF THE

REJECTION ORDER NOTICE NO.KMSCL/ED/498/2022 DATED 18.01.2023, APPLICABLE TO PETITIONER, ISSUED BY RESPONDENTS 1 AND 2.

Exhibit P9 TRUE COPY OF CIRCULAR DATED 30.09.2022 ISSUED BY 3RD RESPONDENT. Exhibit P10 TRUE COPY OF THE RELEVANT EXTRACT OF THE ACKNOWLEDGMENT ISSUED BY THE 3RD RESPONDENT VIA E-MAIL DATED 03.10.2022. Exhibit P10(a) TRUE COPY OF THE PROOF OF MAKING THE PAYMENT DATED 29.09.2022. Exhibit P11 TRUE COPY OF FORM MD-3 NOTARIZED ON 07.11.2022 Exhibit P12 TRUE COPY OF THE REQUEST MADE BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 19.01.2022 Exhibit P12(a) TRUE COPY OF THE REQUEST MADE BY THE PETITIONER THE BEFORE THE 2ND RESPONDENT DATED 19.01.2022

Exhibit P13 TRUE COPY OF INVOICE DATED 24.11.2022Exhib

RESPONDENTS EXHIBITS: NIL

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