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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7213/2020 & CM APPLs. 6419/2021, 6431/2021**

PRASHANT REDDY T Petitioner
Through: Mr. Sanjay Hegde, Sr. Advocate with
Mr. Harsh Parashar and Mr.
Chanakya Sharma, Advocates.
versus

DRUGS CONTROLLER GENERAL OF
INDIA & ORS. Respondents
Through: Mr. Rahul Sharma, Sr. Panel Counsel
for R-1 to R-3 with Mr. C.K. Bhatt,
Advocate.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **17.02.2021**

1. This hearing has been done through hybrid mode (physical and virtual hearing).
2. CM APPL.6419/2021 has been moved by the Petitioner seeking a direction to members of the T.N. Mahapatra Committee to be called in Court, as also to the Joint Secretary in charge of the Drug Regulation Section in the Ministry of Health and Family Welfare (*hereinafter*, 'MoHFW'). CM APPL.6431/2021 is for directions for streamlining and digitisation of records of the Drugs Controller General of India (*hereinafter*, 'DCGI').
3. The matter relates to the T.N. Mahapatra Committee's Report (*hereinafter*, 'Report') which Committee was constituted by the DCGI on 26th March, 2013. The said Report is stated to be have been constituted as a

result of the 59th Parliamentary Standing Committee Report in respect of clinical trial approvals for certain drugs.

4. The Petitioner is an RTI applicant who has repeatedly made attempts to obtain a copy of the said Report. However, despite repeated requests, the Report could not be obtained. Finally, when the matter reached the Central Information Commission (*hereinafter*, 'CIC'), a copy of the Report was supplied to the Petitioner, however, the same was without any annexures. Under such circumstances, the present writ petition was filed seeking production of the complete Report and also seeking directions for digitisation of all the records of the DCGI in respect of clinical trials etc. Notice was issued in this writ petition on 29th September, 2020 when the DCGI was duly represented before this Court.

5. Despite notice having been issued in September, 2020, till date, the counter affidavit has not been placed on record. Mr. Rahul Sharma, Id. Counsel appearing for the DGCI, submits that the counter affidavit has been filed on 12th February, 2021. However, the same is not record. Mr. Hegde, Id. Sr. counsel, submits that he has not received a copy of the counter affidavit.

6. Considering that crucial files relating to the T.N. Mahapatra Committee's Report appear to be completely missing and the fact that there is a delay in filing the counter affidavit, it is directed that the counter affidavit be taken on record, subject to payment of Rs.10,000/- as costs within one week. The present costs shall be in addition to the costs of Rs.15,000/- imposed on 21st December, 2020. If the counter affidavit is not filed and/or costs are not paid, the DCGI shall depute a senior official to appear in Court on the next date of hearing.

7. In addition, considering the fact that one of the members of the Committee - Dr. Shailendra Kumar, was the Chief Vigilance Officer of the MoHFW, it is requested that Dr. Shailendra Kumar remain present on the next date of hearing. The present order be communicated by Mr. Rahul Sharma, Id. Counsel appearing for the DCGI to Dr. Shailendra Kumar, to enable him to join the hearing on the next date of hearing.
8. In addition, a status report shall be filed by the DCGI in respect of the steps taken for streamlining and digitisation of its records, at least five days before the next date of hearing with advance copy to the Counsel for the Petitioner.
9. List on 19th March, 2021, i.e., the date already fixed.

PRATHIBA M. SINGH, J.

FEBRUARY 17, 2021

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