

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MCA NO. 265/2015 IN WRIT PETITION NO. 2859 OF 2012

(Food and Drugs Administration & Ors. vs. Nag Vidarbha Chamber of Commerce & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
AUGUST 28, 2015.**

Heard Mrs. Hiwase, learned AGP for the applicants and Shri Gadiya, learned counsel for respondent Nos. 1 to 4 and Shri Malviya, learned counsel for respondent No. 6.

The Food and Drugs administration of State Government seeks review of the order dated 02.02.2015 passed by this Court in Writ Petition No. 2859 of 2012. This Court on 02.02.2015 has looked into the order dated 01.08.2014 passed at Bombay in Writ Petition No. 2746 of 2013 in similar controversy. Following that order, with directions to Respondent Nos. 3 to 6, the petition has been disposed of.

The review came to be filed pointing out that the Hon'ble Apex Court had stayed the said order of Principal Seat at Bombay on 13.08.2014 and this development could not be pointed out to this Court. In view of orders of the Hon'ble Apex Court dated 13.08.2014, we issued notice on 08.05.2015 and stayed the directions as contained in the order dated 02.02.2015, disposing of writ petition.

Now, it is not in dispute that the Hon'ble Apex Court has on 19.08.2015 dismissed SLP. Thus, the orders passed at Bombay and looked into while disposing of Writ Petition No. 2859 of 2012 on 02.02.2015 have been maintained.

The learned AGP, however, submits that on 02.02.2015 when writ petition was disposed of, as per orders dated 01.08.2014 passed at Bombay, the said orders were not in force and were already stayed by the Hon'ble Apex Court, hence the review as filed should be entertained.

We find that because of orders of the Hon'ble Apex Court dated 13.08.2014, we stayed those directions on 08.05.2015. Ultimately, the facts show that the orders issued at Bombay in Writ Petition No. 2847 of 2013 on 01.08.2014 have been sustained and said orders are today in force.

In this situation, we find the arguments misconceived. Misc. Civil Application is accordingly rejected. No costs.

JUDGE

JUDGE

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