

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1846/2015

(M/S UNIJULES LIFE SCIENCES LIMITED, NAGPUR **VERSUS** JT.DIRECTOR, NAGPUR DIVISION,
 FOOD AND DRUGS ADMINISTRATION, NAGPUR & ANOTHER)

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

Court's or Judge's orders

Shri G.G. Modak, counsel for the petitioner.
 Mrs.B.H. Dangre, G.P. for the R-1.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : DECEMBER 14, 2015.

By this petition, the petitioner challenges the order of the respondent no.1, dated 01.03.2014 cancelling the license granted to the petitioner under Rule 85 of the Drugs and Cosmetics Rules, 1945. The petitioner also challenges the order of the respondent no.2-Directorate of Health Services, Madhya Pradesh, dated 30.10.2014, disqualifying the petitioner from manufacturing Theolin-E Syrup for a period of five years.

It would not be proper for this Court to entertain the writ petition against the respondent no.2, which falls within the jurisdiction of the Madhya Pradesh High Court. The petitioner is free to challenge the order of the respondent no.2 before an appropriate forum in Madhya Pradesh. As regards the prayer made in prayer clause (a), the petitioner is free to avail the alternate remedy provided under Rule 85(3) of the Drugs and Cosmetics Rules, 1945. In fact, the impugned order passed by the respondent no.1 clearly mentions about the existence of the alternate remedy and the petitioner ought to have availed the said remedy in stead of filing the writ petition.

In the result, the writ petition is dismissed with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

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