

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 557 OF 2016

WALLACE PHARMACEUTICALS PVT. LTD.,
THR ITS G.M. MR. VINOD SINAI
NAVELKAR.

... Petitioner

Versus

UNION OF INDIA, THR. THE
SECRETARY, MINISTRY OF CHEMICAL
AND FERTILIZERS AND 2 ORS.

... Respondent

Mr. S. M. Singbal, Advocate for the Petitioner.
Mr. Mahesh Amonkar, Central Government Standing Counsel for the
Respondents.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 24th August, 2016

P.C.

Heard Shri Singbal, learned Counsel appearing for the Petitioner
and Shri Mahesh Amonkar, learned Central Government Standing
Counsel appearing for the Respondents.

2. Upon hearing the learned Counsel appearing for the respective
parties, it is not disputed that before filing the above Petition, the
Petitioners had filed an application for review of the impugned Order
before the Respondent no. 2 under Section 31 of the Drugs (Price
Control) Order, 2013.

3. Shri Mahesh Amonkar, learned Central Government Standing
Counsel appearing for the Respondents, submits that such review is

to be filed before Respondent no. 3 and not before the Respondent no. 2.

4. In such circumstances, the Respondent no. 2 shall return the Review Petition filed by the Petitioners to enable the Petitioner to present such Review Petition before the Respondent no. 3. After the Petition is so presented, the Respondent no. 3 shall examine the Review Petition on its own merits in accordance with law. It is not disputed that the Review Petition was in fact filed by the Petitioner within the time prescribed though before a wrong forum as claimed by the learned Central Government Standing Counsel appearing for the Respondents and, as such, has to be treated to have been filed within the time prescribed.

5. The Respondent no. 3 shall thereafter proceed to consider such Review Petition as expeditiously as possible in the light of the observations made herein above within thirty days from the date of receipt of such Petition.

6. In the meanwhile, until next date, no coercive steps to to initiate penal action based on the impugned Order.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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