

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CWP No. 3570 of 2013
Date of decision: 05.04.2016
M/s Goyal Sales Corporation
.....Petitioner
Versus
State of Punjab and others
.....Respondents

2. CWP No. 20732 of 2013
Date of decision: 05.04.2016
M/s Goyal Medical Store
.....Petitioner
Versus
State of Punjab and others
.....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Akshay Jain, Advocate,
for the petitioner (s).

Mr. S.S Chandumajra, Addl. A.G., Punjab.

Paramjeet Singh Dhaliwal, J. (Oral)

This order will dispose of two petitions bearing CWP Nos.3570 and 20732 of 2013 as common questions of law and facts are involved therein. However, facts have been extracted from CWP No. 3570 of 2013.

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari thereby quashing the order bearing No. Drugs(1) Pb.07/7198 dated 13.07.2007 (Annexure P-3), passed by respondent No.2, whereby the wholesale drugs licences of the petitioner firm has been cancelled with immediate effect and order dated 18.10.2007

(Annexure P-4), passed by respondent No.1 in appeal under Rule 66 (2) of the Drugs and Cosmetics Rules, 1945 (for short 'the Act'). A further prayer for restoration of drug licence of the petitioner has also been made.

The petitioner is running a firm in the name and style of M/s Goyal Sales Corporation, Moga. On 08.05.2007 the premises of the petitioner-firm were inspected by the District Drugs Inspector, Moga-Respondent No. 3 and Drugs Inspector Gurdaspur. Certain violations of the provisions of the Act and the Drugs & Cosmetics Rules, 1945 (for short 'the Rules') were found. Some habit forming drugs were seized on seizure Form-16. The firm could not produce any purchase record of these drugs. The firm was stocking Oxytocin BP Vet injection in prohibited pack and in temperature of 35 C and, thus, contravened provisions of Rules 105 & 65 (17) of the Rules. The sample taken was declared misbranded as the product was not packed in the blister packing. Similarly, 1084 X 1000 unlabelled white coloured tablets were not bearing manufacturing, expiry dates, name and address of manufacturer etc. Sample of these products was also declared misbranded as contents of Chlorpheniramine Maleate were found therein. Notice was issued to the petitioner-firm to show cause as to why its licence be not cancelled. After considering the reply of the petitioner, the State Drugs Licencing Authority cancelled the licence of the petitioner-firm vide, order dated 13.07.2007 (Annexure P-2). The appeal filed by the petitioner-firm has been dismissed by the Appellate Authority vide order dated 18.10.2007

(Annexure P-4). Hence this writ petition.

An identical issue came up before a Division Bench of this Court in **CWP N. 3440 of 2008; M/s Goyal and Company Vs. State of Punjab and others**; decided on 17.03.2008. The petitioner in that case was found stocking/selling habit forming and misbranded drugs and cancellation of its drugs licence has been upheld by the Division Bench. Confronted with the judgement of the Hon'ble Division Bench, learned counsel for the petitioner has fairly conceded that the cases in hand are fully covered against the petitioner(s) by the aforementioned Division Bench judgment of this Court.

Accordingly, both the present petitions stand dismissed.

05.04.2016

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(Paramjeet Singh Dhaliwal)
Judge