

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 858 OF 2017

J.B.Chemicals and Pharmaceuticals Ltd.
& Anr.

.. Petitioners

v/s.

Union of India & Ors.

..Respondents

Mr.Soli Cooper a/w. Ethiel Pereira, Mr. Aditya Raut i/b. Desai Desai
Carrimjee & Mulla for the Petitioners.

Mr. Advait Sethna a/w. Mr.D.P.Singh for the Respondents.

**CORAM : ANOOP V. MOHTA &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : JULY 11, 2017.**

FINAL ORDER :

1. Rule. Rule is made returnable forthwith, heard finally.
2. On hearing the learned Counsel appearing for the parties, we are inclined to dispose of the present writ petition by directing the respondent no.2 to decide the review application filed by the petitioners under the provisions of para 31 of The Drugs (Price Control Order) 2013, against the notification No.S.O. 1561(E) dated 27th April, 2016 in respect of scheduled formulation Ranitidine Oral Liquid 75mg/5 ml, as by the impugned communication dated 26th

December, 2016 the review application filed by the petitioners was rejected for want of no provisions to condone the delay under the provisions of para 31 of The Drugs (Price Control Order) 2013.

3. In the present case we have noted that the petitioner had filed the review application within time. However, as stated, it was not filed before respondent no.2, but before Respondent No.3. In our view, in the facts and circumstances of the case, this technicality should not be sufficient to deny the right of review/revision which is otherwise available under the law. Therefore, to avoid further delay, and in the interest of justice, by keeping all contentions open, including the defence if any, we are directing respondent no.2 to deal with the review application-Exhibit L dated 26th July, 2016 in accordance with law, as early as possible, within eight weeks from the date of receipt of this order.

4. Rule made absolute accordingly. No order as to costs.

(ANUJA PRABHUDESSAI, J.)

(ANOOP V. MOHTA, J.)