

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.16922 OF 2017

ORDER.

This writ petition is filed challenging the order passed in RC.No.595/AD/DCA/VSP/2017 dated 1-5-2017 as illegal arbitrary and in violation of principles of natural justice.

The petitioner is carry on medical business in the name and style of Ms.Nizam Chemists and Druggists in King George Hospital, Visakhapatnam having obtained license under the provisions of the Drugs and Cosmetics Rules, 1945. While carrying on business, the Drug Inspector inspected the premises on 18-4-2017 and basing on the report of the said Drug Inspector, the Assistant Director, Drugs Control Administration, Visakhapatnam District issued show cause notice on 19-4-2017 complaining the following guide lines 1 to 5.

- 1) *You have sold prescription drug Azax-500 batch No.RGR0041 in the absence of Qualified Person, without prescription and without issuing sale bill at the time of inspection as remarked in IR. in violation of Rule 65(2) 65(9)(a), 65(4)(3) of D&C Rules, 1945.*
- 2) *You have failed to produce schedule C, H. & H2 registers for verification at the time of inspection as remark in Ts. In violation of Rules 65(3) (10, (4) (1), 65(34) (1) (h) 7 65(6) of D&C Rules, 1945.*
- 3) *You have failed to produce purchase an sale bills for certain drugs as remarked in I.R. in violation of Rules, 65(4)(4), (4)(3) of D&C Rules, 1945.*
- 4) *You have failed to maintain duplicate copies of sale bills as remarked in IR in violation of Rules,65(4) (3) (ii) D&C Rules, 1945.*
- 5) *You have failed to mention Chemists & Druggists in your shop name board as remarked in IR/, in violation of Rule 65(15)(b) of D&C Rules, 1945.*

Called upon the petitioner to explain the reason to show cause as to why action should not be taken. Thereupon, the petitioner submitted detailed explanation dated 25-4-2017 explaining each and every violation. After considering the explanation, the Assistant Director, Drug Control

Administration, Government of Andhra Pradesh passed the impugned order dated 1-5-2017 cancelling the drug licenses in Form 20, 21, 20B, 21B bearing No.68/AP/VM/V/2003/WR, which is valid upto 31-12-2017 with immediate effect.

In the entire order, the Assistant Director, Drugs Control Administration, Visakhapatnam District extracted the violations and referred the notice issued under Section 67 (1) of the Drugs and Cosmetics Rules, 1945 and there is vague reference about submission of explanation in the reference cited and verification of it and found unsatisfactory but the order is bereft of any reason to come to such conclusion that the explanation is not satisfactory, even the order shows that based on the office note that more than two inspectors, Visakhapatnam on a note file, the license was cancelled by passing the impugned order. In the entire order, the Assistant Director, Drugs Control Administration, Visakhapatnam District did not deal with any of the contentions raised in the explanation to the show cause notice and passed a cryptic order without conveying the reasons for cancellation of license, coming to a conclusion that the explanation is not satisfactory. Such unreasoned order cannot be sustained under law. Therefore, the order under challenge dated 1-5-2017 is hereby set aside while directing the respondent No.2 to pass reasoned order in accordance with law after following necessary procedure.

With the above direction, this Writ Petition is disposed of. No costs.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 11-5-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



WRIT PETITION No.16922 OF 2017

Dated 11-5-2017

Dvs