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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CONTEMPT PETITION NO. 305 OF 2016**

R. K. Surgical, through Proprietor
Mr. Rajesh Parmar

.....Petitioner

V/s.

The Jt. Commissioner (Kokan Division)
Food and Drug Administration and others

.....Respondents

Ms. Jagruti Gaonkar i/b Mr. P. N. Kilpady for the petitioner
Mr. B. V. Samant AGP for the State

**CORAM : R. M. SAVANT &
NITIN W SAMBRE, JJ.**

DATE : 10th OCTOBER, 2018.

P.C.

The contempt alleged is of the order dated 23/01/2018 passed by a Division Bench of this Court. By the said order, the Division bench had restrained the respondents from taking any coercive action against the petitioner. The contempt is founded on the fact that the respondents seized Orthopedic Implants under the

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Panchanama from the premises of one M/s. Parmar Engineering of

which the son of the Proprietor of the petitioner i.e. R. K. Surgical is the proprietor. The said fact has been stated in the affidavit-in-reply filed on behalf of the State by one Umakant Gajananappa Bagmare, Drugs Inspector. The said fact has not been disputed by the learned counsel for the petitioner. However, she states that the premises of the said M/s. Parmar Engineering are adjacent to the premises of the petitioner herein and that the owner of the said M/s. Parmar Engineering is the son of the proprietor of the petitioner.

2 Having regard to the aforesaid facts, no case for invocation of the Contempt jurisdiction against the respondents is made out. The Contempt Petition is accordingly disposed of. However, it would be open for the petitioners to seek appropriate redressal against the seizure that was effected by the respondents. We express no opinion in that regard.

[NITIN W. SAMBRE, J.]

[R. M. SAVANT, J.]