

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6732 OF 2019**

Rajsukh Medical Care Unit Through Prop Dr
Rajendra P Kushwaha

...Petitioner

Versus

State of Maharashtra through Secretary of Public
Health Department & Ors

...Respondents

Mrs Neeta Karnik, *for the Petitioner.*

Ms RA Salunkhe, AGP, *for the Respondent-State.*

Mr Atul G Damle, Senior Advocate, *with Ms Swati Sagrekar, for
Respondents Nos. 2 & 3.*

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**

DATED: 13th June 2019

PC:-

1. Not on board. Mentioned. Taken on board.
2. The Petitioner is running a hospital claiming that it has 25 beds and all related services.
3. The 2nd Respondent, the Vasai-Virar Municipal Corporation, is the authority which considers the application for renewal of the

registration certificate. The application for renewal of the registration dated 1st November 2018 is still not considered.

4. We do not think that we should enter into the merits of the controversy. It is entirely the authority's discretion to renew or refuse to renew the license.

5. Since the Vasai-Virar Municipal Corporation is the authority under the Bombay Nursing Homes Registration Act 1949, we direct it to decide the pending application for renewal as expeditiously as possible and dispose it of latest by 31st July 2019.

6. Needless to clarify that while considering and deciding the application, the authority is free to take note of the submission of the Petitioner that the renewal is as a matter of course and there is no power to refuse it.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)