

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

203

**CWP No.11360 of 2020
Decided on : 05.11.2020**

M/s New GTB Medical Store

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The challenge in the present writ petition filed under Article 226/227 of the Constitution of India, is to the order dated 24.11.2019 (Annexure P-10), whereby the application for grant of Drug Licence has been rejected without assigning any reason. Further directions are sought to take a decision on the appeal of the petitioner dated 15.12.2019 (Annexure P-11), which has been filed before respondent No.2, within a specific period.

Vide order dated 07.08.2020, State had been asked to what is the legal impediment as such standing in the way of the said respondent in deciding the appeal expeditiously.

The grouse of the petitioner as such was also that an SMS as such had been received, which did not contain reasons.

The State in its reply has now appended the rejection order dated 24.11.2019 (Annexure R-1). It is further the stand that there is a

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statutory provision of appeal under Section 64 (3) of the Drugs and Cosmetic Rules, 1945. The appeal has not been preferred before the Principal Secretary of the Department of Health and Family Welfare, who is the competent Authority.

Keeping in view the above facts and that an appeal as such is maintainable, this Court is of the opinion that the present petition is liable to be disposed off with directions to the statutory Appellate Authority to decide the issue within a specified time frame. Since it is the contention of the counsel for the petitioners that the order (Annexure R-1) was not supplied to him, whereas it is the case of the State that it had been uploaded on the portal, the issue be decided on merits.

Resultantly, counsel for the petitioner undertakes to file the appeal before the said authority within a period of two weeks from today. On the filing of the said appeal, the said Appellate Authority shall decide the appeal on merits within the prescribed period.

The writ petition stands disposed off with the above said terms.

NOVEMBER 05, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No