

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 107 OF 2018**

Cipla Limited ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

Mr Karl Tamboly, with Kashish Mainkar, i/b Wadia Ghandy & Co,
for the Petitioner.
Mr Amit Shastri, AGP, for Respondents Nos. 1 and 2-State.
Mr Advait Sethna, with DP Singh & Tanay, for Respondents Nos. 4 &
5.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**
DATED: 17th November 2021

PC:-

SHEPHALI
SANJAY
MORMARE

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1. Rule. Respondents waive service. By consent, Rule made returnable forthwith and the petition is taken up for hearing and final disposal.

2. Mr Sethna on behalf of Respondent No. 4 has tendered an Affidavit in Reply. From this, it is contended that the notice dated 10th April 2015 was in fact despatched to the Petitioner and that there is a Speed Post acknowledgement of the notice having been

put into transmission. This does not prima facie indicate receipt of the notice.

3. We will put that consideration aside and direct the 4th Respondent Authority to grant the Petitioner an opportunity to show cause and to be heard. The Petitioner will submit its representation by 1st December 2021. The 4th Respondent will afford a hearing by 10th December 2021 and will pass a reasoned order thereafter.

4. All contentions are left open.

5. In view of this, without prejudice to the rival rights and contentions, the Petition is made absolute in terms of prayer clause (a).

6. The Writ Petition is disposed of in these terms. There will be no order as to costs.

7. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)