

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13044 OF 2022
IN
WRIT PETITION NO.5245 OF 2022**

**M/S SHAH MEDICAL AND GENERAL STORES
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.**

...
Shri S.S. Patunkar, Advocate h/f Shri J.P. Legal Associates, for
the applicant.
Shri A.R. Kale, AGP for the respondents/State.
...

**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 14th September, 2022

Per Court :-

1. The applicant/petitioner has put forth prayer clause

B as under:-

“B) The interim relief granted by this Hon’ble Court vide order dated 10.05.2022 which was continued by order dated 20.06.2022 till 22.07.2022, and further continued till 15.09.2022 vide order dated 26.07.2022 thereby granting stay to the effect, operation and implementation of the impugned orders dated 07.12.2021 bearing Outward No.2021/Rajya Mantri/ Antim Adesh/ Pra.Kra.79-1/ Aushadhe-2 passed by the Hon’ble Minister and also the subsequent order dated 26.04.2022 passed by respondent No.2

*bearing Outward No.Auvi/Sudha Adesh/ 446
/2022/6 may kindly be extended;”*

2. The grievance of the applicant is that the order passed by this Court on 20.06.2022 in Writ Petition No.5245/2022, has not been implemented by the Honourable Minister.

3. The learned AGP submits that he has been instructed to state that the Honourable Minister is likely to commence the hearing in the next week.

4. Appeal bearing No.2014/pa.kra.131/2442/SS/Aushadhe-2 was preferred by the applicant in 2014 and the protective order was passed by the competent authority on 06.01.2014. By our order dated 20.06.2022, the final order of the Honourable Minister dated 08.10.2021 has been quashed and set aside and the said appeal is restored to the file of the Honourable Minister at the stage at which it was dismissed. The order dated 06.01.2014 was in operation when the appeal was dismissed and by restoring the appeal before the Honourable Minister, the said order automatically stands revived and applicable to the case of the petitioner.

5. In view of the above, we do not find it necessary to

pass a specific order in the light of prayer clause B. The Civil Application is, therefore, disposed off.

6. Since it is informed that the Honourable Minister would commence the hearing in the next week, we expect that the said hearing would culminate into pronouncement of the order, on or before 30.11.2022.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)