

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

29 WRIT PETITION NO.2845 OF 2023

M/S AURANGABAD BLOOD BANK THROUGH ITS TRUSTEE RAHUL
MADHUKAR SAINDANE

VERSUS

JOINT COMMISSIONER AURANGABAD DIVISION AND ANOTHER

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Advocate for Petitioner : Mr. Shrikant Patil h/f. Mr. U.P. Kalpesh

AGP for Respondents 1 & 2 : Mr. P.G. Borade

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CORAM : ARUN R. PEDNEKER, J.

DATED : 02/05/2023

PER COURT :

1. Heard the learned counsel for respective parties.
2. By way of present writ petition, the petitioner challenges the impugned order in appeal dated 24.1.2023 passed by the Hon'ble Minister of State, Department of Food and Drugs, Government of Maharashtra by which the licence of the petitioner was suspended for the period of 90 days by setting aside the order of respondent No. 1 – Joint Commissioner, Aurangabad Division, Food and Drug Administration, M.S., Aurangabad, cancelling the license of the petitioner blood bank permanently commencing from 1.5.2020.

2. On 21.3.2023, this Court has passed the following order :-

"1] The petitioner has given stock up-date of 420 bags of blood and expiry of the said stock are on various dates in April, 2023. Since the stock may deteriorate very soon, the Joint Commissioner, Food and Drugs [Administration], Aurangabad to get blood examined through the competent person and submit a report to this Court before next date i.e. 24.03.2023, as to the utility of the stock and whether the same can be transferred to any other blood bank for utilization.

2] List this matter on 24.03.2023.

3] The learned AGP to communicate this order immediately."

3. Thereafter, a Committee of five doctors was constituted to test and verify the validity of the blood samples of 420 bags available with the petitioner bank. The Committee has reported that 420 blood bags available with the petitioner blood bank have been tested and they found that 419 bags are in safe condition and the same can be utilized as per the procedure to be followed.

4. The petition is to be taken up for hearing and the authority Expert Body was directed to conduct inspection of the blood bank of the petitioner blood bank and submit the compliance report to this Court. The report is also submitted wherein there is substantial compliance. However, in view of the fact that the blood was found to be in proper condition and it has now been utilized by the Government Hospitals, the suspension imposed by the Hon'ble Minister for the period of 90 day is reduced from 90 days to 60 days. It will operate from 13.3.2023 to 13.5.2023. Thereafter, the licence of the petitioner be restored by the authorities. The report dated 18.4.2023 is taken on record. Before restoring the licence of the petitioner, the petitioner is to comply with all the deficiencies pointed out by the Food and Drugs Administration, Aurangabad. Licence to be restored by the authorities after compliance of all deficiencies. Writ petition is disposed of with above directions.

[ARUN R. PEDNEKER J.]

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