

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 4854 OF 2023

M/s. Shri. Balaji Medical and General Stores ..Petitioner.
Versus
Assistant Commissioner (Brihanmumbai),
Food and Drug Administration & Anr. ..Respondents

Mr. Kalpesh Ulhas Patil for Petitioner in all W.Ps.
Mr. S. H. Kankal, A.G.P. for Respondent Nos.1 and 2 in all W.Ps.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12 APRIL 2023**

PC :

1. Leave to amend is granted. Amendment to be carried out forthwith.
2. The Petitioner has approached this court for directions to the Respondent No.2 to pass an order in the Appeal filed by the Petitioner. The Assistant Commissioner (Zone-3) and Licensing Authority, Food and Drugs Administration, Maharashtra State, Mumbai has passed an order dated 19/12/2022 suspending the Petitioner's license for the period of 45 days between 21/03/2023 to 04/05/2023. The Petitioner had immediately filed his appeal on

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01/02/2023 before the Hon'ble Minister. However, till today, the Appeal is not decided and the period of suspension has already started. The Petitioner has genuine grievance. His statutory appeal is being frustrated as the Appeal is not decided before the suspension period has started, though, the Petitioner has immediately approached the appellate authority. The hearing of the Appeal is already concluded, as submitted by learned counsel for the Petitioner.

3. In this view of the matter, the Respondent No.2 is directed to decide the Petitioner's pending Appeal within a period of 10 days from today.

4. The Petition is disposed of.

(SARANG V. KOTWAL, J.)