

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.337/2022

Dr. Sou. Shital V State of Maharashtra and others

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mrs. Ayushi Dangre-Tripathi, Adv for petitioner.
 Mr. M.K. Pathan, Addl.GP for resp. nos.1 and 2.
 Mr. S.S. Shingane, Adv for resp. no.3.

**CORAM : AVINASH G GHAROTE &
 M.W. CHANDWANI, JJ.**

DATE : 19-08-2023

The petition questions the order dated 08-06-2021 (Annexure-7) and order dated 06-12-2021 (Annexure-11) passed by respondent no.2.

2. There is no dispute by the petitioner that the auditors report dated 12-04-2021 which indicated the higher charging by the petitioner during the COVID period has been received by the petitioner and the reply in that regard is also placed before the Collector, Akola, prior to passing of the impugned order. The only grievance is that the report of the District Civil Surgeon, Akola dated 27-05-2021 which was taken into consideration by the Collector, Akola while passing the impugned orders was not provided to the petitioner. It is also contended that since there was difference in the figures regarding the number of patients and the treatment charges which they claimed to have been paid, the supply of the copy of the report by the District Civil Surgeon, Akola, was mandatory. There is no material brought on

record to indicate that the report of the District Civil Surgeon, Akola was supplied to the petitioner during the proceedings before the Collector, Akola. The report now has been supplied which according to the petitioner indicates the discrepancy as to the number of patients and the charges received from them.

3. This is an aspect which will have to be taken into consideration by respondent no.2 while determining the penalty to be imposed on the petitioner, in view of which, the impugned orders are hereby quashed and set aside and the matter is remitted back to the respondent no.2 to decide afresh after taking into consideration the objection which the petitioner has in respect of the report of the District Civil Surgeon, Akola. The petitioner and respondent no.3 /complainant shall appear before the Collector, Akola on 28-08-2023 at 11.00 am along with all the objections in the matter. The matter shall be heard and decided within a period of 30 days therefrom.

4. The amount deposited in this Court shall be transmitted to the Collector, Akola to be disbursed in light of the decision to be taken by him.

5. The petition stands allowed in above terms. No costs.

JUDGE

JUDGE