

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 785 OF 2024

Diamond Superspeciality Hospital, through ... Petitioner
Medical Supdt.

Versus

The State of Maharashtra, Directorate of Health ... Respondents
Services & Ors.

Mr. Aditya P. Kharkar a/w. Mr. Sumeet Kale for the petitioner.
Ms. P.N. Diwan, AGP for the State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 18 January, 2024

P.C.

1. As limited grievance is made in the petition, which is in regard to the renewal of the licence as granted to the petitioner for undertaking kidney transplants which is subject matter of pending proceedings before respondent no. 3. We have taken up the petition for hearing at the admission stage itself.
2. The case of the petitioner is that it is a hospital functioning at Kolhapur. The petitioner started a kidney transplant procedure in the year 2018 under what is stated to be the MJPJAY Scheme. After about 5 years of the functioning of the said unit, on 7 February, 2023 and thereafter on 12 October, 2023, show cause notices were issued to the petitioner calling upon the petitioner to show cause, which was issued on a complaint which was

received by the respondents. The petitioner replied to the show cause notices, however, no hearing has taken place on the show cause notices. It is the case of the petitioner that in view of the show cause notices, the licence of the petitioner has not been renewed by the respondents. In the aforesaid circumstances, the petitioner is before the Court praying for the following reliefs:

“a) This Hon’ble Court be pleased to call for records and proceedings of the show cause notice dated 7 February, 2023 as well as 12 October, 2023 and after going through the same and after satisfying its validity, legality and propriety, be pleased to quash and set aside the same.

b) This Hon’ble Court be pleased to direct to the respondent to decide the application of the petitioner dt. 24 January, 2023 for renewal of kidney transplant license.

c) During the pendency, be pleased to grant stay to the show cause notice dated 7 February, 2023 as well as 12 October, 2023.”

3. Having heard the learned counsel for the petitioner, we are of the opinion that the petition can be conveniently disposed of by directing respondent no. 3 to hear the petitioner on the show cause notices dated 7 February, 2023 and 12 October, 2023 within a period of three weeks from today and pass appropriate orders in accordance with law on the show cause notices. We further direct that subject to the outcome of the decision on the show cause notices, the respondents shall decide the application of the petitioner dated 24 January, 2023 for renewal of kidney transplant licence within a period of three weeks from the decision on the show cause notices.

4. Ordered accordingly.
5. All contentions of the parties are expressly kept open.
6. Disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)