

S.R.JOSHI

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

WRIT PETITION NO. 5685 OF 2024

M/s. Royal Care Medical & General Stores ... Petitioner

Versus

State Government of Maharashtra
& Another ... Respondents

Mr. Ramesh Mishra, for the Petitioner.
Ms. P. J. Gavhane, AGP for the Respondent-State.

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CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 16th APRIL, 2024

P.C.

Not on board. Mentioned. Upon mentioning, taken on
production board.

This Petition is filed being aggrieved by the Order dated 10th January, 2024 passed by Respondent No.2 whereby the Petitioner's license under the Drugs and Cosmetics Act, 1940 to conduct a medical stores, has been permanently cancelled. However, there is a statutory Appeal, as provided under the Act, to assail the Order, before the State Government. The Petitioner has already taken recourse to the said Appellate remedy. The Appeal is stated to be already lodged and is yet to be numbered.

2 The contention that has been urged on behalf of the Petitioner is that neither the Appeal nor the Stay Application filed along with it is being taken up causing serious prejudice to the Petitioner, which is violative of Article 14 of the Constitution of India.

3 In the aforesaid circumstances, in our opinion, it cannot be stated that Petitioner is remediless. The Appeal, along with the Stay Application, is required to be numbered and taken up for hearing.

4 In the aforesaid circumstances, we are inclined to dispose of this Petition by passing the following order:-

- (i) Respondent No.1 is directed to number the Petitioner's Appeal filed against the impugned order dated 10th January, 2024 passed by Respondent No.2;
- (ii) Let the said Appeal be heard and decided within a period of four weeks from today;
- (iii) All contentions of the parties are expressly kept open.
- (iv) In the event, if the Appeal itself is not decided, the Stay Application be taken up and appropriate orders on the Stay Application be passed by the Appellate Authority.

5 Writ Petition is disposed of. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)