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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9186 OF 2023**

Excel Pharmaceutical Pvt. Ltd ... Petitioner

vs.

The Hon'ble Minister, Food and Drug
Administration, Maharashtra State and Anr ... Respondents

Mr. Hindurao D. Salunkhe, for Petitioner.

Mr. S.L. Babar, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 30th APRIL 2024

P.C. :-

1. After arguing the petition for sometime, learned AGP was directed to take appropriate instructions with regard to whether any decision can be taken if any, application is made by the petitioner, in view of the liberty granted by the learned Minister in the impugned order.

2. Learned AGP on instructions submits that if a fresh application is made pursuant to the liberty granted, the application shall be considered afresh in accordance with law.

3. Learned counsel for the petitioner on instructions of the Director of the petitioner who is present in the Court submits that the

petitioner is agreeable to make a fresh application to respondent no.2, in terms of the liberty granted by the impugned order. He however, submits that the petitioner be also granted liberty to make an appropriate application to respondent no.2 with regard to removal of the existing stock.

4. Learned counsel for the petitioner on instructions seeks leave to withdraw the petition with liberty to file an appropriate application in terms of liberty granted by the impugned order. Leave to withdraw the petition is granted with liberty to file an appropriate application as permitted by the impugned order.

5. It is clarified that the petitioner is also at liberty to file an appropriate application before respondent no.2 with regard to the removal of the stocks. If any application is filed, respondent no.2 shall decide the application on merits and in accordance with law.

6. All contentions of all parties on merits are thus kept open.

7. Writ Petition is disposed of with liberty as recorded above.

(GAURI GODSE, J.)