

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

WRIT PETITION NO. 10420 OF 2024

**VASANT
ANANDRAO
IDHOL**

M-s Hotel Express Inn Nee Shelar Properties Pvt Ltd.
Throu. Its Manager Mukesh S Sonawane ...Petitioner

Versus

State Of Maharashtra Throu.
The Dept Of Food And Drugs Administration And Ors.
...Respondents

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Mr. Manoj A. Patil, for the Petitioner.

Ms. V. R. Raje, A.G.P for Respondent Nos. 1 to 3 – State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 26th JULY 2024

P.C.:

1. The establishment of the petitioner was inspected on 03.05.2024, on which date as many as 29 violations have been found by the Food Safety Inspector, as a result of which an improvement notice was issued on 13.05.2024 under FSS Act (page 32). A reply to this was filed by the petitioner claiming improvement being done which is dated 31.05.2024 (page 40). The establishment was again inspected on 26.06.2024, where 7 violations were found to be in existence (page 42). By an order dated 26.06.2024 passed by the respondent No.3 (page 43), the

license of the petitioner to serve, was suspended for the period of 25 days from 05.08.2024 to 29.08.2024 (page 45). This itself is surprising for if the authorities find that the storage of the food product is not in consonance with the requirement, the suspension ought to have been immediate. An enquiry needs to be directed against the respondent No.3 as to why the suspension was directed after merely a period one month 8 days, when the storage of the food was found to be unhygienic. The respondent No.3 is therefore, called upon to answer to this.

2. In an appeal filed by the petitioner against the order dated 26.06.2024, an *ex-parte* stay was obtained by the petitioner on 10.07.2024 (page 51) which subsequently has been vacated on 16.07.2024 (page 54) which is the order impugned here.

3. Issue notice for final disposal, returnable on 31.07.2024. The learned AGP waives notice for all the respondents.

(AVINASH G. GHAROTE, J.)