

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12833 OF 2024

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| 1. Shree Chhatrapati Shivaji Education Society, Dharwad |] | |
| 2. Shree Chhatrapati Shivaji Education Society's Rural Institute of Ayurveda Research Centre and Hospital, Satara |] | |
| |] | .. Petitioners |

Versus

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| 1. National Commission for Indian System of Medicine, Ministry of AYUSH, Government of India, New Delhi |] | |
| 2. State of Maharashtra, Through its Secretary, Mantralaya, Mumbai |] | |
| 3. Zilla Parishad, Satara Through District Health Officer |] | |
| 4. Union of India, Through Ministry of Health & Family Welfare |] | .. Respondents |

Mr. R.V. Pai, Senior Advocate, with Ms. Bina Pai, Mr. Akshay Pai and Ms. Siddhi Bhosale, Advocates for the Petitioners.

Dr. Birendra B. Saraf, Advocate General, with Mrs. Reena A. Salunkhe, Assistant Government Pleader, for Respondent No.1-State of Maharashtra.

Mr. Pankaj P. Deokar, Advocate for Respondent No.3.

Mr. Shrikrishna Ganbavale, i/by Mr. Shantanu Patil, Advocates for Respondent No.1.

CORAM : A.S. CHANDURKAR & RAJESH S. PATIL, JJ

The date on which the arguments were heard : 25TH OCTOBER 2024.

The date on which the Judgment is pronounced : 29TH NOVEMBER 2024.

JUDGMENT : [Per A.S. Chandurkar, J.]

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The challenge raised in this writ petition is to the communication dated 4th September 2024 issued by the 1st respondent – National Commission for Indian System of Medicine – “*NCISM*” by which the President, Medical Assessment and Rating Board for Indian System of Medicine - “*MARB*” was pleased to deny conditional permission to the petitioner no.2 - SCSES’s Rural Institute of Ayurveda, Research Centre & Hospital being conducted by the petitioner no.1 to have an intake capacity of 50 seats in the Undergraduate B.A.M.S. Course for the academic session 2024-25. In addition, the petitioners have challenged the communication dated 29th August 2024 that has been issued by the 3rd respondent – Health Department, Zilla Parishad, Satara by which renewal of the Hospital’s license has been denied on the ground that No Objection Certificate from the Fire Department was awaited. Various other ancillary prayers have been made by the petitioners and permission has been sought to participate in the admission process in the Ayurved (BAMS) Undergraduate Course for the academic year 2024-25 pursuant to notice dated 3rd September 2024 issued by the State Common Entrance Test Cell.

3. Mr. R.V. Pai, the learned Senior Advocate for the petitioners initially referred to the relevant factual aspects which according to him had material bearing on the challenge as raised by the petitioners to the communication dated 4th September 2024 issued by the NCISM through

the MARB. He submitted that the College as well as the Hospital were running since 2004 smoothly. There was no grievance whatsoever raised by any party in that regard. It was only in 2020 that a rival group started claiming interest in the land on which the College was located and started interfering in the affairs of the Education Society. The issue with regard to inter-se disputes between rival groups was found to be not a relevant factor in the matter of grant of conditional permission to run the College. This was clear from the order passed by the Supreme Court dated 8th May 2024 in Petition(s) for Special Leave to Appeal (C) No(s).6500-6501/2024 (*Shree Chhatrapati Shivaji Education Society, Dharwad & Anr. Vs. National Commission for Indian System of Medicine & Ors.*) wherein it was clearly observed that the fact that the College and Hospital were functioning for almost twenty years could not be ignored. According to him, the MARB had given undue importance to the pendency of inter-se disputes. At the behest of the rival group who had made various complaints, the MARB proceeded to refuse the grant of conditional permission. After the earlier Regulations underwent a change in 2022, steps had been taken by the petitioners to comply with all requirements. A provisional No Objection Certificate had been granted by the Divisional Fire Officer, Maharashtra Industrial Development Corporation on 30th July 2024. With a view to comply with the necessary requirements, a contract had been entered into for completion of the requisite Fire System. An undertaking to that effect

had been submitted to the MARB in terms of the e-mail communication dated 3rd September 2024 issued by it to the College. The renewal of registration of the Hospital was also denied by the Health Department of the Satara Zilla Parishad only on the ground that the Final Fire NOC had not been issued. It was therefore submitted that on the basis of the undertaking that was furnished to the MARB and subject to installation of the requisite Fire System, there was no reason for the NCISM to deny conditional permission.

Referring to the Indian Medicine Central Council (Requirements of Minimum Standard for Under-graduate Ayurveda Colleges and Attached Hospitals) Regulations, 2016, it was submitted that since the College had sought conditional permission for a period of one year, its request ought to have been considered under Clause 3(3) of the Regulations of 2016. However, the MARB proceeded to consider the request made by the petitioners for grant of conditional permission by referring to Clauses 3(1) and 7(1) of the Regulations of 2016. By incorrectly considering the request made by the petitioners under an inapplicable provision, prejudice had been caused to the petitioners. Reference was made to a similar conditional permission granted under Clause 3(3) of the Regulations of 2016 to one Seth Chandanmal Mutha Aryangla Vaidyak Mahavidyalaya on 23rd July 2024. He also referred to Registration Certificate granted by the Civil Surgeon, S.K.N.P. General Hospital, Satara to Dr. M.N. Agashe

Charitable Hospital and Maternity Home, which was made subject to fulfillment of various requirements which included fire safety systems. This indicated that the petitioners were singled out for refusing conditional permission by the MARB. The College in question was the only Ayurveda College in Satara District that was catering to the needs of citizens in the said District. The denial of conditional permission would result in requiring the College to discontinue its academic activities which it was undertaking for the last twenty years. It was thus submitted that when the initial order dated 2nd January 2024 was passed by the MARB, there was no insistence for furnishing of No Objection Certificate from the Fire Department. It was pointed out that even if the registration of the Hospital had been renewed only upto 31st March 2022, the Hospital was in control of the Collector of the District till December, 2022 during the pandemic. During that period as well as in the academic year 2022-23, no objection whatsoever was raised on the ground that the registration of the Hospital had not been renewed. It was thus submitted that the impugned communication dated 4th September 2024 issued by the MARB as well as the communication dated 29th August 2024 issued by the Health Department of Zilla Parishad, Satara be set aside and the petitioners be permitted to run the College in the present academic year.

4. Mr. Shrikrishna Ganbavale, the learned counsel appearing for the

respondent no.1-NCISM at the outset raised a preliminary objection to the maintainability of the writ petition on the ground that an alternate remedy of preferring an appeal for challenging the impugned communication dated 4th September 2024 was available. Referring to the provisions of the National Commission for Indian System of Medicine Act, 2020 (*for short, “the Act of 2020”*) it was submitted that under Section 24(3), remedy of appeal was available. Thereafter under Section 9(6) of the Act of 2020, a further remedy of second appeal before the Central Government was available. Placing reliance on the judgment of the Supreme Court in *Godrej Sara Lee Ltd. Vs. Excise and Taxation Officer-cum-Assessing Authority and Ors., (2023) 109 GSTR 402* as well as the judgment of this Court in *Hikal Ltd. Vs. Union of India, through Ministry of Environment, Forests & Climate Change, New Delhi and Ors. (O.O.C.J. Writ Petition No.1124 of 2023 with Interim Application (Lodging) No.8935 of 2023)*, dated 22nd February 2024, it was submitted that in the light of an efficacious statutory remedy being available, the writ petition did not deserve to be entertained.

5. Without prejudice to the aforesaid, the learned counsel supported the impugned communication dated 4th September 2024 issued by the MARB. He submitted that Clauses 3(1) and 3(3) operated in different fields. The MARB rightly considered the petitioners’ request under Clause

3(1) read with Clause 7(1) of the Regulations of 2016. In absence of requisite permissions, the MARB was justified in refusing to grant conditional permission sought by the petitioners. It was open for the College to fulfill all the necessary requirements and thereafter seek conditional permission for the succeeding academic session 2025-26. It was pointed out that the registration of the Hospital operated only till 31st March 2022 and presently the same was not in force. It was further urged that the contention raised on behalf of the petitioners that the MARB had acted at the behest of the rival group was incorrect. The inter-se disputes between the rival group were not taken into consideration nor was the issue with regard to the land on which the College was located given importance. It was only on account of failure on the part of the College in fulfilling the necessary requirements that the conditional permission was refused. Placing reliance on the decision in *Medical Council of India Vs. N.C. Medical College and Hospital and Ors.*, (2019) 17 SCC 655, it was submitted that grant of any interim relief in the absence of compliance with mandatory permissions had been frowned upon by the Supreme Court and on this count also, no relief be granted to the petitioners. It was thus submitted that the writ petition did not deserve to be entertained. In any event, there was no case for interference in exercise of writ jurisdiction.

6. Dr. Birendra Saraf, the learned Advocate General for the respondent

no.2-State of Maharashtra also opposed the submissions made on behalf of the petitioners. According to him, in absence of a requisite Final Fire NOC as well as Hospital registration, the MARB had denied conditional permission to the College. These requirements were prescribed under Clause 3 read with Clause 7 of the Regulations of 2016. The existence of a Hospital that was duly registered was mandatory. The College was not justified in seeking conditional permission on the basis of furnishing an undertaking and hence its request was rightly rejected. According to him, the absence of a valid Fire NOC had its own consequences. In the unlikely event of any mishap, the State Authorities would be held responsible for the same. It was therefore submitted without prejudice to opposing the writ petition that in case any relief is granted to the petitioners, it may be clarified that in an unforeseen event of any fire mishap, the responsibilities would be that of the petitioners and not of the State Government. He also referred to the provisions of the Maharashtra Nursing Home Registration Act, 1949 in that regard. It was thus submitted that no relief be granted to the petitioners.

7. Mr. Pankaj Deokar, the learned counsel appearing for respondent no.3-Zilla Parishad, Satara also opposed the writ petition. He referred to various documents on record in the context of the request made by the Hospital for renewal of its registration. These included the application dated 18th July 2022 and communications issued thereafter. Since the

necessary requirements in the matter of registration of the Hospital were wanting, the renewal was not granted. On furnishing of a Final Fire NOC, the request with regard to the renewal of the Hospital registration could be examined. It was therefore submitted that the communication dated 29th August 2024 issued by the Health Department of the Zilla Parishad did not call for any interference. The writ petition was liable to be dismissed.

8. In rejoinder, the learned Senior Advocate for the petitioners submitted that as regards the availing of alternate remedy was concerned, since the MARB considered the application for grant of conditional permission under an incorrect provision that would result in loss of an academic year, this Court could entertain the writ petition. Moreover, the issue was with regard to running of the Hospital which was in public interest. It was further submitted that when the Hospital was inspected in June, 2024, no deficiencies whatsoever had been noticed by the visitors which was clear from their Observation Report. The interim directions sought in the writ petition could not be granted in the statutory proceedings under the Act of 2020. It was thus clear that the petitioners had made out a strong case for writ petition to be entertained on merits and also for being granted appropriate relief.

9. At the outset, it would be necessary to consider the objection raised

on behalf of the respondents to the maintainability of the writ petition on the ground that an alternate statutory remedy was available for challenging the communication dated 4th September 2024 issued by the MARB.

10. It is the case of the petitioners that pursuant to the permission granted to it by the Competent Authority on 8th November 2004, the College has been functioning along with an Ayurveda Hospital attached to it. The College along with the Hospital were operating smoothly since then till 2020. Pursuant to the enactment of the National Commission for Indian System of Medicine Act, 2020 (*for short, "the Act of 2020"*), the College was required to comply with revised norms. A rival group claiming interest in the affairs of the Education Society started creating obstructions in the conduct of the College, giving rise to various disputes. This resulted in initiation of litigation between the parties. With regard to academic session 2022-23, the NCISM granted conditional permission by the order dated 4th January 2023 subject to the inter-se disputes with regard to the management of the Public Trust being resolved. The said dispute reached this Court by way of Writ Petition No.8096 of 2023 preferred by the present petitioners. By an order dated 10th November 2023 passed in Writ Petition No.5186 of 2023 (*Shree Chhatrapati Shivaji Education Society, Dharwad (Karnataka) and Anr. Vs. National Commission for Indian System of Medicine, New Delhi and Ors.*) with Writ Petition No.8096 of 2023, it

was directed that the NCISM should carry out an inspection of the College as part of the annual visitation for the academic year 2023-24. Accordingly, such inspection was undertaken on 23rd and 24th November 2023. Various shortcomings were noted by the MARB and hence on 2nd January 2024, it passed an order stating therein that the issue with regard to grant of conditional permission for the academic session 2023-24 had become infructuous on the ground that the last cut-off date of counselling had concluded on 30th November 2023. Being aggrieved by the aforesaid order, the petitioners preferred Interim Application No.42 of 2024 in Writ Petition No.8096 of 2023. Since the remedy of filing an appeal under the provisions of Section 24(3) of the Act of 2020 was available to the petitioners, the challenge to the decision of the MARB dated 2nd January 2024 was not considered by this Court on merits. However, the last paragraph of the order dated 2nd January 2024 passed by the MARB directing the petitioners to first resolve the disputes between the petitioners and the rival group and thereafter apply for issuance of conditional permission for the academic session 2024-25 came to be quashed. The Court by the order dated 30th January 2024 observed that the MARB was free to consider whether the effect of such pending disputes could be made a separate ground for denying conditional permission. This order dated 30th January 2024 was challenged by the petitioners before the Supreme Court in Special Leave Petition (C)

No.6500-6501 of 2024. By the judgment dated 8th May 2024, the observations made in paragraph 9 of this Court's order dated 30th January 2024 came to be expunged and it was made clear that the MARB would not take into consideration the pendency of any dispute between the rival factions. The petitioners were permitted to seek inspection of the College. Such inspection was accordingly carried out and the request for grant of conditional permission was thereafter considered by the MARB.

11. It is not in dispute that by the order dated 4th September 2024 passed by the MARB, the conditional permission for running the College in the academic session 2024-25 came to be denied. Against such order of denial, the remedy of filing an appeal under Section 24(3) of the Act of 2020 is available. There is a further remedy of another appeal before the Central Government under Section 9(6) of the Act of 2020. There can be no dispute that in the presence of availability of a statutory remedy, the Court would be slow in entertaining a challenge to such order unless an exceptional case has been made out.

12. The aforesaid litigation thus indicates that the initial order dated 2nd January 2024 passed by the MARB ceased to have any legal force in view of the fact that it was stated on behalf of the NCISM before the Supreme Court that if a fresh application was made by the College for inspecting the facilities available therein, such inspection would be carried out within

a period of six weeks. The NCISM was accordingly directed to complete the necessary formalities of inspection and grant of permission in accordance with law before commencement of academic session 2024-25. The present proceedings are in continuation of that direction inasmuch as the inspection of the College was duly undertaken on 6th and 7th June 2024. As per the Observation Report, all necessary facilities at the College were found to be satisfactory. The grant of conditional permission to the College now stands refused only for want of a Final Fire NOC and a consequent Hospital registration which in turn is also dependent upon the grant of Final Fire NOC. In other words, it is only the issue with regard to grant of a Fire NOC that is the reason for refusal of conditional permission. There are no factual issues to be adjudicated. The writ petition was entertained on the premise that the MARB rejected the application for grant of conditional permission by incorrectly applying the requirements of Clause 3(1) read with Clause 7 of the Regulations of 2016 instead of Clause 3(3). The fact that the Hospital attached to the College is the only Ayurveda Hospital in the district which has been running since last about twenty years has also weighed with us. Issuance of any interim directions during pendency of such statutory appeal would be beyond the scope of such proceedings. In the light of this narrow issue and as academic year 2024-25 has already commenced, we find these aspects relevant for entertaining the writ petition instead of relegating the petitioners to an

alternate remedy. Moreover, a challenge is also raised to the communication dated 29th August 2024 issued by the Health Department, Zilla Parishad, Satara. We therefore find that there are sufficient reasons for entertaining the writ petition notwithstanding availability of remedy under Section 24(3) of the Act of 2020. In these facts therefore the ratio of the decisions relied upon by the learned counsel for the NCISM cannot be applied to the case in hand.

13. It may be stated that on 9th September 2024, this Court considered the prayer for grant of ad-interim relief as made in the writ petition. On finding that a prima facie case had been made out inasmuch as conditional permission for a period of one year had been sought under Regulation 3(3) of the Indian Medicine Central Council (Requirements of Minimum Standard for Under-graduate Ayurveda Colleges and Attached Hospitals) Regulations, 2016 but the MARB had considered Regulation 3(1)(a) while refusing such conditional permission, ad-interim relief permitting the petitioners to participate in the admission process of the B.A.M.S. course for academic year 2024-25 came to be granted. This order dated 9th September 2024 was the subject matter of challenge before the Supreme Court in *Shree Chhatrapati Shivaji Education Society Vs. National Commission for Indian System of Medicine and Ors. (Special Leave Petition (Civil) Diary No(s).45048/2024)*. The Supreme Court however on 4th October 2024 permitted the said petitioners to withdraw

the Special Leave Petition with liberty to raise all challenges in the writ petition.

14. It is seen from the record that after the necessary inspection fees were paid, the inspection was undertaken on 6th and 7th June 2024 in the matter of seeking grant of permission for academic year 2024-25. In the Visitor's Observation Report it is stated that the College Hospital was genuinely functional and the figures reported by the College Hospital appeared to be acceptable. The relevant observations in the said report read as under :-

“There is availability of computerized Central Registration System as well as IPD Registers which are printed with hospital name and maintained properly. The IPD Registers are certified, signed and authenticated by Superintendent / Dy. Superintendent / RMO. The Computerized Central Registration System is in correlation with entries in IPD Register and are satisfactory. In view of the above observations, I am of the opinion that the college hospital is genuinely functional and has following figures as reported by college hospital appears to be acceptable.

OPD Registers have entry of 33824 No. patients with name / OPD registration number from 1st Jan 2023 to 31st Dec 2023. IPD Registers have entry of 2019 No. patients with name / IPD registration number / DOA / DOD / diagnosis / name of treating doctor / brief of treatment given / signature of attending doctor from 1st Jan 2023 to 31st Dec 2023.

Average OPD was 113 and IPD bed occupancy of 46.94% during last calendar year i.e. 1st Jan 2023 to 31st Dec 2023.”

15. Based on the aforesaid report, a communication dated 5th July 2024 came to be issued by the MARB to the Principal of the College calling upon the College to submit various documents including Hospital Registration Certificate – 2024-25, Final Fire No Objection Certificate issued by the Government of Maharashtra as well as the Pollution Control Certificate and Bio-Medical Waste Management Certificate issued by the Maharashtra Pollution Control Board for the Hospital – 2024-25. The petitioners submitted the relevant documents along with their communication dated 7th July 2024 and their explanation. On that basis, the College sought conditional permission under Clause 3(3)(a) for one academic year being 2024-25. It may be noted that on 30th July 2024, a Provisional No Objection Certificate for the hospital was granted by the Divisional Fire Officer, Maharashtra Industrial Development Corporation with certain conditions. On 2nd August 2024, the MPCB granted Renewal of Combined Consent to Operation and BMW Authorization (CCA). The petitioners on 5th August 2024 made an application to the Health Department of Zilla Parishad, Satara for renewal of the registration of the hospital. The MARB after considering all the aforesaid documents declined to grant such conditional permission on the ground that the requirements indicated in

Regulation 7(1) of the Regulations of 2016 had not been satisfied. It was stated that there was a requirement of renewed Hospital Registration Certificate for academic year 2024-25 and a Final Fire NOC Certificate issued by the State Government. It was further stated that on such requirements being fulfilled by the College by 31st December 2024 and on compliance report being submitted, the grant of conditional permission for academic session 2025-26 would be considered.

16. On 29th August 2024, the Health Department of Zilla Parishad, Satara refused renewal of the hospital registration on the ground that the Final No Objection Certificate from the Fire Department had not been received. The petitioners immediately on 30th August 2024 made a request to the District Health Officer to re-consider its application in view of the Provisional Fire NOC dated 30th July 2024 issued to it. In the meanwhile, the petitioners entered into a contract with M/s. Shrisarthi Associates LLP which provided fire safety services to install a fire safety system at the hospital. It was stated that the work of installing the same had commenced from 18th August 2024 at the site of the hospital and the work completion period was to be about twelve to fifteen weeks from 18th August 2024. This fact was communicated to the NCISM on 28th August 2024 with a request to grant it conditional permission. The MARB taking note of the aforesaid and with a view to re-consider the case of the

petitioners directed the petitioners to submit Renewed Hospital Registration Certificate along with an undertaking in the matter of submitting the Final Fire NOC within twelve to fifteen weeks. The Principal of the College accordingly submitted his undertaking dated 3rd September 2024 wherein it was stated that the College would comply with all necessary requirements as indicated in the Provisional Fire NOC dated 30th July 2024 within a period of twelve to fifteen weeks from 18th August 2024. However on the next day, the MARB denied conditional permission to the College for academic session 2024-25 on the ground that the Renewed Hospital Registration Certificate as well as the Final Fire NOC Certificate had not been issued by it.

17. Thus, the principal reason for denial of conditional permission by the MARB is the absence of a Final Fire NOC. It is not in dispute that on 30th July 2024, a Provisional Fire NOC with various conditions came to be issued to the hospital by the MIDC. With a view to comply with such terms and conditions, the work of installation of fire system has been undertaken by the College pursuant to the contract entered into by it and a work order in that regard has been issued. The said work has commenced from 18th August 2024 and the completion period indicated is between twelve to fifteen weeks from that date. The period of fifteen weeks would expire by the first week of December 2024.

. The Health Department of Zilla Parishad, Satara has in turn refused to renew the registration of the hospital on account of absence of a Final Fire NOC. It thus becomes clear that everything is dependant upon the grant of Final Fire NOC. In view of the fact that the petitioners have taken steps to comply with the conditions imposed in the Provisional Fire NOC, it would be in the fitness of things to await the completion of the exercise of installation of the fire prevention system, which it is stated would be completed by 1st December 2024.

18. As regards applicability of Clause 3(3) of the Regulations of 2016, it ought to be seen that the College is functional since last almost twenty years. It was thus required to satisfy the minimum standards for being granted conditional permission of one year. The petitioners had thus sought conditional permission for a period of one academic year and it is in the light of such request that further steps for inspection of the facilities at the College were undertaken. We therefore find that the MARB ought to have examined the application seeking grant of conditional permission for one year under the provisions of Clause 3(3) of the Regulations of 2016. It is no doubt true that other requirements prescribed under Clause 7 are also required to be satisfied by it. In this context, it is to be noted that the earlier order dated 2nd January 2024 passed by the MARB requires the petitioners to resolve the disputes inter-se amicably and “then apply for

the process of issuance of conditional permission for the academic year 2024-25". It is thus clear that what was under consideration by the MARB was the request for grant of conditional permission for academic year 2024-25.

In any event, the only reason for refusing such conditional permission for one year is the absence of the Final Fire NOC issued by the Government of Maharashtra and renewed Hospital Registration Certificate for the academic year 2024-25. Unless the petitioners comply with these requirements, the grant of conditional permission for the academic year in question cannot be considered.

19. In *Medical Council of India (supra)*, the facts indicate that a new Medical College was sought to be established. Despite existence of about twenty-five deficiencies, the College was permitted to go ahead with making admissions at the First Year M.B.B.S. course pursuant to an interim order passed by the High Court. In that context, the Supreme Court observed that permitting provisional admissions to be made on the basis of an interim order was unjustified.

We have borne in mind the legal principles flowing from the said decision. The writ petition itself is being decided on merits. To reiterate, the College has been running since last twenty years. Under the Visitor's

Observation Report, this fact has been noticed. The only reason to deny grant of conditional permission is the want of a Final Fire NOC. The observations of the Supreme Court in the order dated 8th May 2024 in the earlier round of litigation are required to be kept in mind. In these facts therefore we do not find any reason not to invoke jurisdiction under Article 226 of the Constitution of India.

20. We therefore find that a case for interference has been made out. We are of the view that issuance of the following directions would serve the larger interest of justice and also safeguard the respective rights of all the parties :-

- (a) The petitioners shall ensure compliance as required in the form of obtaining Final Fire NOC and also renewal of the Hospital Registration Certificate. Since the petitioners have undertaken to install the entire fire safety system by the first week of December 2024, they shall take all necessary steps in that regard to ensure that the complete fire safety system is in place by 10th December 2024. Thereafter, they shall take steps to obtain the Final Fire NOC from the Competent Authority by 31st December 2024. If any such request is made, the same shall be considered expeditiously in accordance with law.
- (b) If the Final Fire NOC is issued, the Health Department, Zilla Parishad, Satara shall consider the request for

renewal of Hospital Registration Certificate to the Hospital.

- (c) On the same being done, all necessary documents shall be submitted to the NCISM.
- (d) In the peculiar facts of the case, the NCISM shall consider grant of conditional permission for a period of one academic year 2024-25 in accordance with law.
- (e) It is clarified that in the event of any unforeseen accident of fire occurring, the entire responsibility, financial as well as otherwise, shall be of the petitioners. The petitioners shall file an undertaking in this Court within a period of one week from today stating that in case of any such contingency, it would indemnify any loss caused.
- (f) The admissions made pursuant to the order dated 9th September 2024 shall abide by the outcome of the aforesaid exercise.

21. Rule is made absolute in aforesaid terms with no order as to costs.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]