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

PUBLIC INTEREST LITIGATION NO. 31 OF 2025

All Food And Drug License
Holders Foundation

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Mihir Desai, Senior Advocate i/by Mr. Suraj Dessai Almeida
for petitioner.

Mrs. Neha S. Bhide, Govt. Pleader with Mr. O. A. Chandurkar,
Addl. Govt. Pleader and Mrs. G. R. Raghuwanshi, AGP for
respondent nos.1 to 3, 5 and 6.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 20th JUNE, 2025

P.C.:

1. The petitioner is a Trust registered under the Bombay Public Trust Act, 1950. The petitioner in the instant PIL has assailed the validity of Government Resolution dated 2nd July, 2024 and letter dated 15th October, 2024 issued by the Secretary, Medical Education and Drugs Department on the ground that the same is in contravention of provisions of the Maharashtra Medical Goods Procurement Authority Act, 2023 (hereinafter referred to as "the Act of 2023").

2. Learned senior counsel for the petitioner submits that the impugned Government Resolution is in violation of the provisions of the Act of 2023 as the Act provides for

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procurement process. It is further submitted that the Government Resolution cannot override the statutory rules.

3. We have considered the submissions made by the learned senior counsel for the petitioner and have perused the record.

4. The Act of 2023, admittedly, provides for procurement process. By the impugned Government Resolution the State Government has decided to procure medicines from Haffkine Institute, a public sector undertaking. The grievance of the petitioner in the instant PIL is that a tender should be issued for procuring medicines.

5. The persons who deal in the business of supply of medicines are in a position to approach this Court to seek redressal of their grievance. Therefore, the PIL, at the instance of the petitioner which is, admittedly, not in the business of supply of medicines and is not an aggrieved person, we are not inclined to examine the issue of validity of the Government Resolution dated 2nd July, 2024 and letter dated 15th October, 2024. The same is kept open to be agitated in an appropriate proceeding at the instance of an aggrieved person.

6. Accordingly, the Public Interest Litigation is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)