

Chaitanya

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 501 OF 2025

Alkem Laboratories Ltd

... Petitioner

Versus

Union Of India And Ors.

... Respondents

Mr Ishaan V. Patkar a/w Mr Vinit V. Raje, Mr Yashwant J. Patil,
for Petitioner.

Mr Karan Adik a/w Mr Harshad Shingnapurkar, for
Respondents.

**CORAM : M.S. Sonak &
Jitendra Jain, JJ.**

DATED : 07 JULY 2025

PC:-

1. Heard learned counsel for the Parties.
2. Rule. The rule is made returnable immediately, at the request and with the consent of the learned counsel for the parties.
3. The impugned order is one in a series of orders made by this particular officer dismissing Appeals on grounds like non-production of a board resolution etc., without even affording the Appellants an opportunity of hearing.
4. This Bench and the Co-ordinate Benches of this Court have set aside such orders and remanded the matter to the Appellate Authority after ascertaining that this particular

officer was no longer holding the position of the Appellate Authority.

5. In this particular case, Mr Patkar points out that the board resolution was in fact produced and the other grounds relating to pre-deposit were untenable or atleast arguable. He pointed out that without hearing the Petitioner/Appellant, there was no question of disposing of this Appeal.

6. The learned counsel for the Respondents, quite fairly, agreed that the impugned order could be set aside given the several decisions of this Court dealing with orders made by this particular officer disposing of Appeals in gross violation of principles of natural justice by relying upon curable defects, if any, etc.

7. Accordingly, we set aside the impugned order and remand the Petitioner's Appeal to the Appellate Authority for a fresh disposal in accordance with law. Proper opportunity of hearing must be given to the Petitioner before any final orders are made.

8. All contentions of all parties are however left open for adjudication by the Appellate Authority in the first instance.

9. The rule is made absolute in the above terms without any order for costs.

10. All concerned must act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)