

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3102 OF 2025**

Flamingo Pharmaceuticals Ltd ...Petitioner

Versus

Union of India & Ors ...Respondents

**Mr Rudresh Kumar Tomar, with Mr Gaurav S Sarfare, for the
Petitioner.**

**CORAM M.S. Sonak &
 Advait M. Sethna, JJ.
DATED: 04 November 2025**

PC:-

1. Heard Mr Tomar for the Petitioner.
2. This Petition, by seeking an inappropriate writs seeks the setting aside of impugned orders in original dated 13 June 2022 and 14 June 2022 and the consequential detention orders of 25 January 2024 and 26 November 2024 by instituting this Petition on 20 January 2025.
3. As against the impugned orders in original, which are the foundation for the detention orders, the Petitioner has an alternate and efficacious remedy of an Appeal. By making a bald statement that these orders were made in breach of natural justice, this is belated attempt to circumvent the practice of exhaustion of alternate remedies and possibly also

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to avoid the pre-deposit requirement which applies to such Appeals.

4. In paragraph 27 of the Petition, an incorrect submission has been made about the Petitioner having no efficacious remedy. The reason for bypassing the alternate and efficacious remedy which is in fact available under the law is that “*the impugned actions perpetuated by the Respondents which are grossly illegal and in complete abuse of the powers conferred under the Act*”.

5. In the prayer clause, there is a reference to contravention of the principles of natural justice without any serious elaboration. The delay in instituting this Petition is also not explained. The impugned orders were made on 13 June 2022 and 14 June 2022 respectively and this Petition has been instituted only on 20 January 2025.

6. In the case of **Oberoai Constructions Ltd Vs Union of India & Ors¹**, we have considered several precedents of the Hon’ble Supreme Court and this Court on the issue of exhaustion of alternate remedies. By following the reasoning therein, as also the reasoning in the several precedents referred to therein, we do not think that any exceptional case is made out to deviate from the normal practice of exhaustion of alternate remedies.

7. Accordingly, for the above reasons, we decline to entertain this Petition and dismiss the same with token costs of Rs. 1000 payable to the Government KEM Hospital within four weeks from today. Details of the Hospital are as follows:-

¹ 2024 SCC OnLine 3508

Bank Account of Hospital	:	Poor Box Charity Fund, K.E.M. Hospital, Mumbai
Bank Account Number of Hospital	:	99350100000877 (S.B.)
Bank and Branch	:	Bank of Baroda, Parel Branch
Address, Tel. No., Fax No. and e-mail of the concerned Bank	:	Bank of Baroda, Madina Manzil, 88, Dr. Ambedkar Road, Mumbai – 400 012, Maharashtra, 022-24713820, dbpare@bankofbaroda.com
MICR Code Number	:	400012246
IFSC Number	:	BARB0DBPARE (5TH Letter is Zero)
PAN	:	AAATK3087D
Type of Account	:	Saving A/C

8. We clarify that this order will not prevent the Petitioner from exploring the possibility of appealing the impugned orders before the Appellate Authority in accordance with law.

(Advait M. Sethna, J)

(M.S. Sonak, J)