IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 WRIT PETITION NO. 14082 OF 2026

PFIZER Limited Thr. Authorised Signatory Ms.Sangeeta Nagarmath

VERSUS

The State of Maharashtra Thr Principal And Others

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Mr.V.D. Hon, Senior Advocate a/w Mr.Vaibhav Sigh, Mr.Rahil Shah, Mr.Pranav Chandhoke i/by Kulkarni Ashutosh S. for the Petitioners.
Ms.Preeti Diggikar, AGP for the Respondent/State.

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 12.10.2026

PER COURT :

1. Although the Petitioner is challenging the impugned order issued by Respondent No.2 dated 16th July, 2026, suspending the license of the Petitioner/Company for production of B-Complex Forte With Vitamin C & Zinc Capsules (Becosules Z Capsules) from 13th October, 2026 to 10th January, 2027 inclusive of both the days for a period of 90 days from the date of the order. The Petitioner has already filed a statutory appeal as provided under the Drugs and Cosmetics Act, 1940 (of the '**Said Act, 1940'**), before the Minister on 24th September, 2026. Therefore, now the Petitioner is restricting the prayers only to the extent that till the appeal of the Petitioner is decided, interim protection may be granted to the Petitioner.

2. At the time of mentioning itself, this Court has requested to the learned AGP appearing in the matter to take instructions as to within how much time the Minister of Drugs and Administration Department would decide the appeal that is filed by the Petitioner.

3. Today, the learned AGP for the State Authorities has tendered across bar the communication issued by the Private Secretary of the Minister of Drugs and Administration Department informing that the Minister shall decide the pending appeal within a period of two weeks. The order impugned has been passed on 16th July, 2026, which is come into effect from 13th October, 2026 to 10th January, 2027.

4. It is the submission of the learned Senior Advocate, Mr.Hon that, although they have filed the appeal before the Minister, protection needs to be granted to the Petitioner more particularly on the background of the failure of the Respondent/Authorities to adhere to the proper procedure as contemplated under the Drugs and Cosmetics Act, 1940. According to the leaned Senior Advocate, Section 23(4) of Said Act, 1940, prescribes for the procedure to be followed by the Drug Inspectors, while taking sample of the drugs. According to him, Section 23(4) of Said Act, 1940, contemplates one portion of sample that is divided by the Drug Inspectors, is required to be given to the Petitioner and rest is to be retained by the Inspector, has not been followed by the Respondent/Authorities, which is in total breach of the Section 23(4) of Said Act, 1940.

5. Thus he needs to be granted interim protection, till the Minister decides the appeal, which pending before him.

6. It is further submitted that the Petitioner on its own has conducted the lab test of the very drug, which has been taken for testing by the Drug Inspector from Batch No.PFIZER/FP/2430050N and has received a report, which clearly indicates that it meets the test. He would point out from Page No.115 of the Writ Petition, which shows that the sample solution his response to Vitamin B12 corresponds the standard solution and in the remark it is shown that it meets the test and complies the standards.

7. Similarly, it is also pointed out that after the sample was taken by the Drug Inspector for its testing, various communications were addressed to the Authorities by the Petitioner/Company calling upon the Drug Inspector to make them available fourth portion of the sample, which according to Section 23(4) of Said Act, 1940 is required to be given to the company. A communication dated 21st August, 2025, reiterating his earlier request has been placed on record in support of his submission.

8. Since the appeal is likely to take two weeks time and from the documents placed on record it is evident that although the Petitioner has consistently demanded the fourth portion of the drug, which was seized, has not been provided to the Petitioner, it appears that there is violation of Section 23(4) of Said Act, 1940. Therefore, the Petitioner

deserves some protection during the pendency of the appeal, i.e., pending before the Minister.

9. However, it is made clear that the aforementioned observations made by this Court are *prima facie* and it is not on the merits of the matter, the Minister shall decide the appeal pending before him, on its own merits. All the rights and contention of the respective parties are kept open to be agitated on it own merits.

10. In the meanwhile, the impugned order dated 16th July, 2026, suspending the license of the Petitioner for a period commencing from 13th October, 2026 to 10th January, 2027, shall not be acted upon for a period of two weeks from date of this order. Similarly, the Minister is requested to decide the appeal pending before him as early as possible, preferably within a period of two weeks.

11. With the aforementioned directions, this Writ Petition is disposed off.

12. Since this order is likely to take time to be uploaded and the impugned order is about take effect from tomorrow, the learned AGP undertakes to inform the concerned Au thorites.

13. Parties to act on authenticated copy of this order.

[MANJUSHA DESHPANDE, J.]