Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13158 OF 2026

M/s. Progressive Surface Systems Pvt. Ltd.
Through its Authorised Person
Krishnakant Balaram Parab ...Petitioner

Versus

The State Of Maharashtra
Thr. Hon'ble Minister for Food and Drugs
Administration Dept. And Anr. ...Respondents

...

Mr. Rahul Madan More a/w Sumedh S. Gaikwad for the Petitioner.
Mrs. Neha S. Bhide, GP a/w Mr. B.V. Samant, Addl. GP and Mr. M.M. Pabale, AGP for the Respondent Nos.1 and 2.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 7th OCTOBER, 2026.

ASHWINI PRASAD NARHIRE

Digitally signed by ASHWINI PRASAD NARHIRE
Date: 2026.10.09 14:23:09 +0530

P.C.:

1. Heard learned counsel for the parties.

2. The instant Writ Petition is preferred, *inter alia*, for the following substantive relief:-

> *"Be pleased to issue writ of mandamus or writ in the nature of mandamus directing the Respondent No. 1herein to decide the Appeal and / or Stay application as well as ad-interim prayer*

in stay Application filed u/r. 8 of Maharashtra Poison Rules, 1972 challenging the Judgment order dated 09/07/2026 passed by Ld. The Assistant Commissioner, Food and Drugs Administration Maharashtra, Palghar Zone-1 bearing Order No. PARWANE-RADDA/200-2026/PALHAR/ZONE-1 have been cancelled under the provisions of the Poison Act, 1919 with Maharashtra Poison Rules, 1972, which is pending before the Hon'ble Minister Food and Drug Administration, State of Maharashtra, Mantralaya Mumbai in time bound and expeditious manner or within such a period as this Hon'ble High Court may deem fit and proper."

3. At the outset, learned counsel for the Petitioner submits that the Assistant Commissioner, Food and Drugs Administration, Maharashtra, Palghar Zone-1, had passed an Order dated 9th July 2026 (Order No. PARWANE-RADDA/ 200-2026/ PALGHAR/ZONE-1), whereby License No. POI-200832 was cancelled under the provisions of the Poisons Act, 1919 read with the Maharashtra Poisons Rules, 1972 with effect from 8th October 2026. The Petitioner has preferred a statutory Appeal under Rule 8 of Maharashtra Poison Rules, 1972 challenging the Order dated 9th July 2026 (supra) which is pending before the Hon'ble Minister, Food and Drugs Administration, State of Maharashtra, Mantralaya, Mumbai, (Exhibit 'E').

4. In the above backdrop, learned counsel for the Petitioner submits that the License cancellation Order dated 9th July 2026

(supra) is said to take effect from 8th October 2026. However, no formal number/listing has been assigned to the statutory Appeal or Stay Application until date. In case no ad-interim protection is accorded, the Petitioner shall suffer irreparable loss and injury, jeopardising the livelihood of nearly 150 employees.

5. In support of his contention, learned Counsel for the Petitioner places reliance upon the judgment of a coordinate Bench of this Court dated 10th January 2024 passed in *Writ Petition No. 305 of 2024* ***(M/s. Apna Chemist v. Assistant Commissioner (Zone-3) & Anr.)*** along with connected writ petitions, wherein interim protection was accorded till disposal of such statutory Appeal/Stay Application. He prays that similar indulgence be extended in favour of the Petitioner.

6. Per contra, learned Government Pleader resists the relief and submits that as the Petitioner has already availed the statutory forum, and till date no such serious effort has been made for expediting the proceedings by him. At the threshold, the Petitioner is now trying to get some relief from this Court in parallel proceedings. However, she submits a time bound scheme may be provided for expediting hearing/disposal the Appeal in question.

7. Having heard learned counsel for the parties and perusing the record, we find that under similar facts and circumstances, a

coordinate Bench of this Court in ***M/s. Apna Chemist (supra)*** accorded interim relief while expediting the statutory remedy. We are in respectful agreement with the view taken therein.

8. Accordingly, in view of the decision in ***M/s. Apna Chemist (supra)***, interest of justice would be served by disposing of this Writ Petition with the following directions:-

(i) The Appellate Authority (Hon'ble Minister, Food and Drugs Administration, State of Maharashtra) to decide the pending Stay Application/Appeal on its own merits, in accordance with law, as expeditiously as possible, preferably within a period of **six weeks** from the date of production of an authenticated copy of this order by the Petitioner before the said Authority.

(ii) It is clarified that until the Appeals/Stay Applications, if any, are decided, the Orders suspending Petitioners Licenses which are subject matter in such proceedings shall remain stayed.

(iii) Needless to observe that in the event the Petitioners fail in their Appeal, certainly it would be within the powers and Authority of the Appellate Authority to modify the period of suspension and impose a future period of suspension on the Petitioners, the facts and circumstances so warrant.

9. We clarify that we have not adverted to the merits of the present case.

10. Writ Petition is Disposed Of in the above terms.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**